

JOURNAL OF THE FLORIDA SENATE

Wednesday, June 2, 1976

The Senate was called to order by the President at 9:00 a.m.
A quorum present—40:

| | | | |
|-----------------|-----------|-------------|-------------|
| Mr. President | Graham | Myers | Stolzenburg |
| Brantley | Hair | Peterson | Thomas, J. |
| Childers, D. | Henderson | Plante | Thomas, P. |
| Childers, W. D. | Holloway | Poston | Tobiassen |
| Deeb | Johnston | Renick | Trask |
| Dunn | Lane, D. | Saunders | Vogt |
| Firestone | Lane, J. | Saylor | Ware |
| Gallen | Lewis | Scarborough | Wilson |
| Glisson | MacKay | Sims | Winn |
| Gordon | McClain | Spicola | Zinkil |

Excused periodically: Senators Gordon, J. Lane, Plante, W. D. Childers, Peterson, Brantley, J. Thomas, Vogt, Wilson, Saylor, D. Lane, MacKay and P. Thomas, members of conference committees; Senator Barron, in discharge of legislative duties

Prayer by the Senate Chaplain:

Our God the last mile of a long journey is demanding upon our strength and our patience.

As we enter these last days of this session we need special grace and patience, special tolerance and respect for each other and special wisdom not to carelessly attempt what should be carefully weighed.

Help us not to yield to the temptation to hurriedly pass the inadequately examined or debated material. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Wednesday, June 2, 1976:

| | | | |
|---------|---------|---------|---------|
| SB 895 | HB 3170 | SB 1145 | SB 220 |
| HB 944 | HB 3870 | SB 1240 | SB 1246 |
| SB 23 | SB 142 | SB 814 | SB 604 |
| SB 925 | SB 467 | HB 849 | SB 750 |
| SB 1346 | SB 1249 | SB 6 | SB 287 |
| SB 527 | HB 3242 | HB 247 | SB 306 |
| SB 333 | SB 1428 | HB 886 | HB 425 |
| HB 1826 | SB 1135 | SB 1110 | HB 2426 |
| SB 260 | HB 1290 | SB 1074 | SB 1402 |
| SB 264 | SB 980 | SJR 825 | SB 898 |
| HB 3121 | HB 1116 | SB 803 | SB 752 |
| HB 3958 | HB 4108 | HB 505 | |
| SB 959 | HB 1682 | SB 645 | |

Respectfully submitted,
Low Brantley, Chairman

The Committee on Rules and Calendar recommends the following bills be placed on Local Bill Calendar for Wednesday, June 2, 1976:

| | | | |
|---------|---------|---------|---------|
| HB 2535 | HB 3280 | HB 3450 | HB 3554 |
| HB 2536 | HB 3281 | HB 3454 | HB 3555 |
| HB 2553 | HB 3283 | HB 3455 | HB 3557 |
| HB 2585 | HB 3284 | HB 3456 | HB 3570 |
| HB 2619 | HB 3285 | HB 3457 | HB 3575 |
| HB 2956 | HB 3314 | HB 3465 | HB 3576 |
| HB 2958 | HB 3341 | HB 3504 | HB 3579 |
| HB 2985 | HB 3342 | HB 3512 | HB 3581 |
| HB 3010 | HB 3343 | HB 3519 | HB 3582 |
| HB 3017 | HB 3344 | HB 3521 | HB 3584 |
| HB 3026 | HB 3345 | HB 3523 | HB 3585 |
| HB 3027 | HB 3379 | HB 3524 | HB 3587 |
| HB 3127 | HB 3391 | HB 3535 | HB 3588 |
| HB 3163 | HB 3418 | HB 3537 | HB 3624 |
| HB 3270 | HB 3444 | HB 3538 | HB 3679 |
| HB 3271 | HB 3445 | HB 3539 | HB 3680 |
| HB 3272 | HB 3446 | HB 3540 | HB 3681 |
| HB 3274 | HB 3447 | HB 3541 | HB 3690 |
| HB 3276 | HB 3448 | HB 3542 | HB 3699 |
| HB 3279 | HB 3449 | HB 3543 | HB 3702 |

| | | | |
|---------|---------|---------|---------|
| HB 3708 | HB 3760 | HB 3927 | HB 3968 |
| HB 3726 | HB 3761 | HB 3934 | HB 4006 |
| HB 3727 | HB 3774 | HB 3936 | HB 4143 |
| HB 3753 | HB 3915 | HB 3967 | |
| HB 3754 | HB 3916 | | |

Respectfully submitted,
Low Brantley, Chairman

The following reports of the Committee on Rules and Calendar were read:

The Honorable Dempsey J. Barron
President, The Florida Senate

Dear Mr. President

Your Committee on Rules and Calendar recommends revisions to Senate Rules 2.1, 2.14, 2.18, 3.12, 3.13, 4.8 and 4.15, attached hereto and made a part of this report.

The vote of the Committee was unanimous.

Respectfully submitted,
Low Brantley, Chairman

2.1—Standing committees; standing subcommittees

Permanent standing committees and standing subcommittees, when created and designated by rule of the Senate, shall exist and function both during and between sessions. The President shall appoint the membership of the following named standing committees and standing subcommittees provided that each standing committee shall consist of not less than five (5) members:

Agriculture

Appropriations

Subcommittee A

Subcommittee B

Subcommittee C

Commerce

Corrections, Probation and Parole

Economic, Community and Consumer Affairs

Education

Executive Business

Finance, Taxation and Claims

Governmental Operations

Health and Rehabilitative Services

Judiciary-Civil

Judiciary-Criminal

Natural Resources and Conservation

Personnel, Retirement and Collective Bargaining

Rules and Calendar

Transportation

Ways and Means

Subcommittee A

Subcommittee B

Subcommittee C

2.14—Time for consideration of bills

A bill which has been introduced and referred to committee can be removed only upon motion of the sponsor and by a two-thirds (2/3) vote of the membership present and voting; provided however, any bill which has been in committee fifteen

(15) legislative days or more without an extension of time having been granted may be removed from committee upon motion of the sponsor. Such motion, when made, shall carry over for a period of five (5) legislative days to give the committee of reference time to meet. Failure of the committee to meet and consider such bill within said time will permit the sponsor of the bill to remove it from committee upon a point of order; provided that no bill may be thus withdrawn from the Committee on ~~Appropriations Ways and Means~~ during the first thirty (30) days of a regular session.

2.18—Prefiled bills (second paragraph)

(b) Committees having jurisdiction of prefiled bills shall expedite the business of such committee and shall file reports as soon as practicable after each hearing, except that the Committee on ~~Appropriations Ways and Means~~ shall not be required to file such report of any prefiled bill defined in these Rules.

3.12—Introducers of bills

Strike "Ways and Means" and insert: Appropriations

3.13—Fiscal notes

In first, second and fourth paragraphs, strike "Ways and Means" and insert: Appropriations

4.8—Reference to ~~Appropriations and Finance, Taxation and Claims Ways and Means~~ Committees, claim bills

All bills authorizing or substantially affecting appropriations shall be referred to the Committee on ~~Appropriations Ways and Means~~. All bills substantially affecting tax revenue shall be referred to the Committee on ~~Finance, Taxation and Claims Ways and Means~~. A bill not referred to the Committees on ~~Appropriations or Finance, Taxation and Claims Ways and Means~~ by operation hereof, but which is subsequently amended so as to reasonably respond to criteria enunciated herein may, at the discretion of the President, be referred to the Committee on ~~Appropriations Ways and Means~~ or the Committee on ~~Finance, Taxation and Claims~~.

Claim bills shall be first referred to a Senate Special Master on Claims who shall expediently conduct a hearing in accordance with the Rules of the Senate having the strictest requirement of notice. Such Special Master shall administer an oath to all witnesses, preserve a recording of proceedings (but withhold the transcription thereof until ordered to transcribe by the President) and prepare a final report containing his recommendations based on findings of fact and conclusions of law. The report shall be signed by the Master who shall be available to report orally to committees or the Senate. Upon receipt of the Master's report and recommendation the President shall refer each claim bill with the report attached to the ~~Committee on Finance, Taxation and Claims~~ ~~an appropriate standing committee~~, the provisions of the first paragraph of this Rule to the contrary notwithstanding.

4.15—Referral or postponement on third reading

Upon the third reading of any bill or joint resolution, it shall not be committed (save to the Committee on ~~Appropriations Ways and Means~~) or amended, except a corrective or title amendment, without consent of two-thirds (2/3) of the Senators voting, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those voting.

On motion by Senator Brantley the foregoing report was adopted.

The Committee on Rules and Calendar recommends the following pass:

| | |
|---------------------------|----------------|
| HJR 801 | HCR 3260 |
| HJR 3327 with 1 amendment | HJR 324 |
| HB 3328 | CS for HB 3940 |

The bills were placed on the calendar.

ENROLLING REPORT

SB 472 has been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 2, 1976.

Joe Brown, Secretary

Senator Scarborough presiding

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lewis, the rules were waived and by two-thirds vote HB 4000 was withdrawn from the Committee on Education.

On motions by Senator Myers, the rules were waived and by two-thirds vote House Bills 158, 2393, 3398, 3813, 2373, and SB 1350 were withdrawn from the Committee on Governmental Operations.

On motions by Senator Graham, by two-thirds vote HB 2367 was withdrawn from the Committees on Health and Rehabilitative Services and Commerce.

On motion by Senator McClain, by two-thirds vote HB 2472 was withdrawn from the Committee on Commerce.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 327 was withdrawn from the Committee on Governmental Operations.

On motions by Senator W. D. Childers, the rules were waived and by two-thirds vote Senate Bills 888, 625, 327, 413 and HB 3218 were withdrawn from the Committee on Commerce.

On motion by Senator Trask, the rules were waived and by two-thirds vote HB 3368 was withdrawn from the Committee on Commerce.

On motion by Senator Brantley, by two-thirds vote HB 2825 was placed first on the Special Order Calendar for this day.

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 39, 221 and 279 which he had approved June 2, 1976.

On motion by Senator Brantley, the rules were waived and the Senate reverted to the order of—

INTRODUCTION

By Senators Scarborough, Glisson and Hair—

SCR 1463—A concurrent resolution authorizing the Department of Transportation to covenant to complete Section I of the proposed 1977 project as a part of the Jacksonville expressway system in Duval County, Florida, and approving such covenant to complete as required by s. 339.12(5)(d), Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1459.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed—

SB 377

SB 224

SB 725

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 116 and SB 673.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed—

| | | |
|---------|---------|---------------|
| SB 128 | SB 700 | CS for SB 98 |
| SB 614 | SB 519 | CS for SB 97, |
| SB 7 | SB 1361 | 102, 208 |
| SB 1339 | SB 552 | SB 613 |
| SB 609 | SB 566 | SB 711 |
| SB 703 | SB 375 | SB 364 |
| SB 989 | SB 356 | SB 347 |
| SB 358 | SB 569 | SB 502 |
| SB 290 | SB 658 | |
| SB 104 | | |

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed by the required constitutional two-thirds vote of the membership, SB 509.

Allen Morris, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House Amendment 4 and passed SB 468, as further amended.

Allen Morris, Clerk

The bill was ordered engrossed and then enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 3 to:

By the Select Committee on Standards & Conduct and Representatives McPherson and J. W. Lewis—

CS for HB 2812—A bill to be entitled An act relating to public officers and employees; amending s. 112.312(1) and adding a new subsection (9), Florida Statutes, redefining the term "advisory body" and defining the term "gift" with respect to provisions relating to a code of ethics for such officers and employees; creating s. 112.3144, Florida Statutes, providing for certain disclosure by legislators and elected officials at the time of filing any bills, resolution, memorial or ordinance; amending s. 112.3145(1)(b), (2)(a) and (c), (3) and (5), Florida Statutes, relating to disclosure of financial interests and clients represented before agencies; expanding the definition of "specified employee"; requiring candidates for state or local office to file financial disclosure statements in order to qualify for such office; altering provisions which require disclosure of specific sources of certain income, debts, and amounts; providing for inspection and examination of such documents; providing that the Secretary of State send copies of disclosure forms and notices to persons required to file by mail, rather than certified mail return receipt requested; amending s. 112.3147, Florida Statutes, requiring the commission to supply circuit court clerks and the Department of State with quantities of financial disclosure forms for distribution to those required to file; amending s. 112.321(1), Florida Statutes, providing for the appointment of members of the commission by certain officers; amending s. 112.322(5), Florida Statutes, and adding a subsection thereto, deleting the requirement that the Department of Legal Affairs provide legal and investigative assistance to the commission; requiring the commission to adopt and publish certain rules; requiring the Department of State to index such rules within 90 days; amending s. 112.324(3), Florida Statutes, deleting the provision that records relating to preliminary investigations of complaints of violating the code of ethics by impeachable officers or legislators shall become public records under certain circumstances; providing an alternative method of financial disclosure; providing an effective date.

—and requests a Conference Committee. The Speaker has appointed Representatives McPherson, Morgan, James; Alternate, Hodges as conferees on the part of the House.

Allen Morris, Clerk

The President announced the appointment of Senators Vogt, Wilson and Sayler as conferees on CS for HB 2812 and the action of the Senate was certified to the House.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 2832 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Natural Resources and Representatives Culbreath and Hodges—

CS for HB 2832—A bill to be entitled An act relating to the Board of Trustees of the Internal Improvement Trust Fund; providing that the board shall convey 10 acres of certain state-owned land to the Guidance Center of Hernando County for use as a permanent site for a facility to be constructed on the premises; prohibiting encumbrances on said property; providing that the board shall convey 28 acres of certain state-owned land to the Department of Highway Safety and Motor Vehicles, for use as a permanent site for a Highway Patrol Driver's License facility to be constructed on the premises; providing that the board shall lease 49 acres of certain state-owned land to the Hernando Youth League, Inc., of Hernando County, for use as a permanent site for the development of a sports complex; prohibiting encumbrances on said property; prohibiting racial discrimination; providing that the board shall lease 106 acres of certain state-owned property to the Board of County Commissioners of Hernando County for use as a permanent park facility; providing that the Board shall convey 9 acres of certain state-owned land to the Board of County Commissioners of Hernando County for use as a roadway; providing reverter clauses; providing an effective date.

—was read the first time by title. On motion by Senator Trask, the rules were waived and the bill was placed on the calendar.

On motion by Senator Trask, by unanimous consent CS for HB 2832 was taken up out of order. On motions by Senator Trask CS for HB 2832, by two-thirds vote was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

| | | | |
|-----------------|-----------|-------------|-------------|
| Brantley | Hair | McClain | Stolzenburg |
| Childers, D. | Henderson | Myers | Thomas, P. |
| Childers, W. D. | Holloway | Poston | Tobiasen |
| Dunn | Johnston | Renick | Trask |
| Firestone | Lane, D. | Sayler | Vogt |
| Gallen | Lane, J. | Scarborough | Ware |
| Glisson | Lewis | Sims | Winn |
| Graham | MacKay | Spicola | |

Nays—None

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1, further amended and passed HB 1433, as further amended and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Brown and others—

HB 1433—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021(18), Florida Statutes; revising the definition of past service; amending s. 121.081(1)(a), Florida Statutes, 1974 Supplement, and adding a new paragraph (d); removing a restriction on claiming past service as creditable service; providing for the purchase of past service by members of the Florida Retirement System who were former officers or employees of a city or special district, notwithstanding the status and form of the retirement system, if any, of said city or special district; providing an effective date.

Amendment 2—On page 2, lines 1 thru 4, strike "Section 2. Paragraph (a) of subsection (1) of section 121.081, Florida Statutes, 1974 Supplement, is amended, paragraph (d) of said subsection is redesignated paragraph (e), and a new paragraph (d) is added thereto to read:" and insert: Section 2. Paragraph (a) of subsection (1) of section 121.081, Florida Statutes, is amended and new paragraphs (e), (f), (g), (h), and (i) are added to read:

Amendment 3—On page 3, line 3, strike (d) and insert: (e)

Amendment 4—On page 3, lines 18 and 19, strike "Section 3. This act shall take effect upon becoming a law." and insert:

(f) Whenever any employee of a governmental entity who is participating in a local retirement system of the governmental entity becomes eligible to participate in the Florida Retirement System by virtue of the consolidation or merger of governments or the transfer of functions between units of government either at the state or local level or between state and local units of government in which the resulting unit of government becomes or remains an employer as defined in this chapter, said employee shall elect either to continue to participate in the local retirement system or to become a member of the Florida Retirement System. Should any employee elect to continue to participate in the local retirement system, his employer shall make contributions to the local retirement system at the required rates, but in no event shall the rate of contributions made by the employer to the local retirement system exceed the combined rate of retirement contributions and social security contributions paid by the employer to the Florida Retirement System on behalf of an employee who is a regular member of the Florida Retirement System.

(g) When any person, either prior to this act or hereafter, becomes entitled to and does participate in one of the retirement systems consolidated within or created by this chapter through the consolidation or merger of governments or the transfer of functions between units of government either at the state or local level or between state and local units, or through the assumption of functions or activities by a state or local unit from an employing entity which was not an employer under the system and such person becomes a member of the Florida Retirement System, such person shall be entitled to receive "past service" credit as defined in s. 121.021(18), Florida Statutes, for the time such person performed services for and was an employee of said state or local unit or other employing entity prior to the transfer, merger, consolidation or assumption of functions and activities. Past service credit allowed by this paragraph shall also be available to those persons who became members of an existing system (as defined in s. 121.021(2), Florida Statutes) prior to December 1, 1970, through the transfer, merger, consolidation or assumption of functions and activities set forth in this paragraph and who subsequently become members of the Florida Retirement System. However, in no event will credit for the past service be granted until contributions are made in the manner provided in this subsection. Such contributions and accrued interest shall not be paid from any state funds.

(h) Any person who was enrolled on May 15, 1976 in a state retirement system administered under this chapter and who was, on that date, an officer or employee of a consolidated government which by virtue of its charter has elected status as a municipality for purposes of state retirement systems administered under this chapter and who has not withdrawn his contributions shall be deemed to have become a member of that system as of the date he began to participate therein, whether employed by the consolidated government or a preceding interim government on that date, and shall be entitled to retain his membership in that system so long as he continues to be an officer or employee of the consolidated government regardless of the fact that the consolidated government and interim government were not "employers" as defined in s. 121.021(10), Florida Statutes. Any person who was enrolled before May 15, 1976 in a state retirement system administered under this chapter and who was, during the period of enrollment, an officer or employee of a consolidated government which by virtue of its charter has elected status as a municipality for purposes of state retirement systems administered under this chapter and who terminated employment with the consolidated government and who has not withdrawn his contributions shall be deemed to have been a member of the retirement system in which he was enrolled during the period of such enrollment and employment by that consolidated government and during any period of enrollment and employment by any interim government which performed the functions of the consolidated gov-

ernment prior to its creation regardless of the fact that the consolidated government and interim government were not "employers" as defined in s. 121.021(10), Florida Statutes. However, in no event shall credit be granted for service rendered in such employment prior to May 15, 1976 unless the contributions required for such credit were paid prior to May 15, 1976.

(i) Notwithstanding any of the foregoing paragraphs of this subsection, no past service credit may be purchased under this chapter for any service which is used to obtain a benefit from any local retirement system.

Section 3. This act shall take effect July 1, 1976.

Amendment 5—On page 1, lines 3 thru 17, strike in its entirety and insert: A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021(18), Florida Statutes, revising the definition of past service; amending paragraph (a) of subsection (1) of section 121.081, Florida Statutes, and adding new paragraphs (e), (f), (g), (h) and (i) to said subsection; removing a restriction on claiming past service; providing for the purchase of past service by members of the Florida Retirement System who were former officers or employees of a city or special district, notwithstanding the status and form of the retirement system, if any, of said city or special district; providing certain options with respect to membership in a local retirement system or membership in the Florida Retirement System for employees of a governmental entity who through consolidation, merger or transfer of functions become eligible for membership in the Florida Retirement System; providing a limit on the rate of contributions that any employer under chapter 121, Florida Statutes, shall contribute to a local retirement system for employees who elect to continue participating in a local retirement system; providing "past service" credit for employees who through consolidation, merger or transfer of functions became members of the Florida Retirement System and to employees who became members of an existing system prior to December 1, 1970 and subsequently become members of the Florida Retirement System; validating membership in a state retirement system for certain officers or employees of a consolidated government or a preceding interim government who were enrolled as of May 15, 1976, notwithstanding the fact that the consolidated government and interim government were not "employers" as defined in s. 121.021(10), Florida Statutes; providing that no person who receives a benefit from any local retirement system based on such past service shall be entitled to receive credit for such past service under chapter 121, Florida Statutes; providing an effective date.

On motions by Senator Hair, the Senate concurred in House amendments 2, 3, 4 and 5 to HB 1433.

HB 1433 passed as amended by the House amendments, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

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|-----------------|-----------|-------------|--------|
| Brantley | Hair | Renick | Trask |
| Childers, D. | Henderson | Saylor | Vogt |
| Childers, W. D. | Johnston | Scarborough | Ware |
| Deeb | Lane, D. | Sims | Wilson |
| Firestone | Lewis | Spicola | Winn |
| Gallen | MacKay | Stolzenburg | |
| Glisson | Myers | Thomas, P. | |
| Graham | Poston | Tobiassen | |

Nays—None

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Commerce and Senators W. D. Childers and Brantley—

CS for SB 586—A bill to be entitled An act relating to medical practice and medical liability insurance; amending s. 627.351(8)(d), Florida Statutes, enlarging the scope of the coverage provided by the temporary joint underwriting plan and making the plan available for all health care providers; amending s. 627.351(8)(e), Florida Statutes, removing the provision requiring the Joint Underwriting Association to cancel the current policies of those who fail to pay premium con-

tingency assessments and providing instead that the association pay no further claim on previous policies for which the policyholder fails to pay such assessments; amending s. 627.351(8)(f), Florida Statutes, removing the requirement that the temporary joint underwriting plan provide policy service through one or more insurers; amending s. 627.351(8)(h), Florida Statutes, providing that records of the JUA will not be available to the public during processing of a claim; creating s. 627.351(8)(i), Florida Statutes, defining "health care provider"; amending s. 395.18, Florida Statutes, providing that all hospitals and certain other health care facilities shall establish a risk management program; providing that two or more health care facilities may combine their risk management programs; requiring each health care facility to show financial responsibility for purposes of compensating certain patient injuries; directing the Department of Insurance to adopt rules to implement this act; requiring the Department of Insurance to provide for an annual audit of the procedures of certain hospitals; directing the Department of Health and Rehabilitative Services to contract for the development and operation of an information system to collect and evaluate data from medical incident reports and to use such data in the licensing and certification of health care facilities and services; requiring the Department of Health and Rehabilitative Services and the Department of Insurance to submit annual evaluative reports to the Governor and the Legislature, beginning in 1978; providing for the establishment of a medical incident committee; prescribing the composition of said committee; requiring health care professionals, agents and employees of health care facilities, and health care providers to report injury or adverse incidents to a patient to the risk manager; providing penalties for failure to report; providing for investigation of such incidents and injuries by the risk manager; providing criteria for determining if injury has occurred and for the amount of compensation to be offered the patient; providing for conveyance of the offer to the patient by the risk manager; providing limitations on subsequent claims arising out of the same injury if the patient accepts the benefits offered; providing that the finding of the committee that a compensable injury has occurred or an offer of compensation shall not be construed as an admission of negligence or guilt; providing an exception; providing immunity for certain actions in relation to resolving an incident; excluding certain documents, reports, findings and other evidence from admission in any civil action; providing an exception; requiring a physician to show financial responsibility as a prerequisite to staff privileges; providing a minimum amount of financial responsibility; requiring physicians and health care facilities to agree to certain items; providing certain procedures and requirements for medical incident committee after receiving report of compensable injury; providing for report to appropriate licensing boards; providing for allocation of damages among parties liable; providing penalties; providing for introduction of evidence on collateral sources in actions; providing for itemized verdicts; providing for alternative methods of payment of damage awards; providing for the standard of care and breach of standard of care by health care providers; providing for remittance or additur to damage award by court; providing for severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 5, line 20, strike everything after the enacting clause and insert the following: Section 1. This act shall be known and may be cited as "The Insurance, Health and Claims Reform Act of 1976."

Section 2. Subsection (5) of section 627.352, Florida Statutes, as created by chapter 75-9, Laws of Florida, is amended to read:

627.352 Medical Liability Insurance Commission.—

(5) On or before January 1, 1977 ~~1976~~, the commission, in cooperation and consultation with appropriate state and federal agencies the medical and legal professions, the insurance industry and representatives of the general public, shall prepare and submit to the Governor and the Legislature its report and recommendations.

(a) The goal of the plan shall be to recommend a medical liability insurance system which can be operated at reasonable cost for the purpose of providing prompt, equitable compensation to those sustaining medical injury.

(b) Primary consideration shall be given, but not limited to, establishing an insurance system which can be underwritten by private insurers on a self-supporting basis using actuarially sound rates.

(c) If the commission finds that no insurance system meeting the goal of the plan can be underwritten by private insurers on a self-supporting basis using actuarially sound rates, it shall specify the needed changes in the statutes to create a viable market for medical liability insurance, or self-insurance.

(d) The comprehensive report shall include recommendations to the legislature for reducing the incidence of medical injuries, including establishing standards of care and procedures for peer review; reducing the cost of prosecuting and defending claims and administering the insurance mechanism, changes in existing law governing the eligibility of injured persons for compensation and the amount of compensation, including limitations on the time within which claims may be brought and the elements of loss for which compensation may be recovered and any other matters or procedures which the commission considers relevant to the medical liability insurance problem.

(e) The commission is authorized and encouraged to make interim reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives concerning specific legislative proposals, which need immediate consideration.

Section 3. Subsection (1) of section 395.18, Florida Statutes, is amended to read:

395.18 Internal risk management program.—

(1)(a) Every hospital licensed pursuant to this chapter, *ambulatory surgical center as defined in paragraph (b), health maintenance organization certificated under part II of chapter 641, or other facility providing in-house patient care including, but not limited to, nursing homes licensed under chapter 400 and other similar facilities, that has in excess of 300 beds,* as a part of its administrative functions, shall establish an internal risk-management program which shall include the following components:

1. ~~(a)~~ The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents causing injury to patients;

2. ~~(b)~~ The development of appropriate measures to minimize the risk of injuries and adverse incidents to patients through the cooperative efforts of all personnel; and

3. ~~(c)~~ The analysis of patient grievances which relate to patient care and the quality of medical services.

(b) As used in this section:

1. "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care and in which the patient is admitted to and discharged from said facility within the same working day and is not part of the hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an ambulatory surgical center.

2. "Establishment" means a hospital licensed under chapter 395, an ambulatory surgical center as defined in subparagraph 1., a health maintenance organization certificated under part II of chapter 641, or other facility providing in-house patient care, including, but not limited to, nursing homes licensed under chapter 400 and other similar facilities.

(c) The Department of Health and Rehabilitative Services shall, after consulting with the Department of Insurance, promulgate rules governing the establishment of such internal risk-management programs to meet the needs of individual establishments. The Department of Insurance shall assist the Department of Health and Rehabilitative Services in preparing such rules. Each internal risk-management program shall include the use of incident reports to be filed with an individual of responsibility who is competent in risk-management techniques in the employ of each establishment, such as an insurance coordinator, or who is retained by said establishment, as a consultant. Said individual shall have free access to all establishment medical records, and the rules promulgated

by the Department of Health and Rehabilitative Services shall so provide. The incident reports shall be considered to be a part of the work papers of the attorney defending the establishment in litigation relating thereto and shall be subject to discovery, but not admissible as evidence in court, nor shall any person filing an incident report be subject to civil suit for libel by virtue of such incident report. As a part of each internal risk-management program the incident reports shall be utilized to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct said problem areas. Any such hospital, ambulatory surgical center, health maintenance organization, nursing home or other similar facility may join with like entities for a combined risk-management program.

Section 4. Paragraphs (d), (e), (f), and (h) of subsection (8) of section 627.351, Florida Statutes, are amended and paragraph (i) is added to said subsection to read:

627.351 Insurance risk apportionment plan.—

(8)

(d) The temporary joint underwriting plan shall function for a period not exceeding 3 years from the date of its adoption by the Department of Insurance, and if still in existence at the end of such 3-year period, it shall automatically terminate. The plan shall provide coverage for claims arising out of the rendering of or failure to render medical care or services and in the case of health care facilities, coverage for bodily injury or property damage to the person or property of any patient arising out of the insured's activities professional liability or malpractice coverage in a standard policy forms form for all health care providers as defined in paragraph (i) hospitals licensed under chapter 395, physicians licensed under chapter 458, osteopaths licensed under chapter 459, podiatrists licensed under chapter 461, dentists licensed under chapter 466, nurses licensed under chapter 464, and nursing homes licensed under chapter 400, or professional associations of such persons. The plan shall include, but not be limited to:

1. Rules for the classification of risks and rates which reflect past and prospective loss and expense experience in different areas of practice and in different geographical areas.

2. A rating plan which reasonably recognizes the prior claims experience of insureds.

3. Provisions as to rates for insureds who are retired, semi-retired, the estates of deceased insureds, or part-time professionals.

4. Protection in an amount to be determined by the Insurance Commissioner, and for those hospitals licensed under chapter 395 whose policies have been canceled since April 1, 1975, that have not been able to otherwise secure coverage in the standard market the plan shall provide continuous coverage at the limits available in the plan from the above date.

5. Rules to implement the orderly dissolution of the plan at its termination.

The Insurance Commissioner may, in his discretion, require that insurers participating in the Joint Underwriting Association offer excess coverage.

(e) In the event an underwriting deficit exists at the end of any year the plan is in effect, each policyholder shall pay to the association a premium contingency assessment not to exceed one-third of the annual premium payment paid by such policyholder to the association for that year. The association shall pay no further claims on any policy for which the annual premium payment was not paid. The association shall not be liable for the payment of any policyholder who fails to pay the premium contingency assessment.

1. Any deficit sustained under the plan shall first be recovered through the premium contingency assessment. Concurrently, the rates for insureds shall be adjusted for the next year so as to be actuarially sound.

2. If there is any remaining deficit under the plan after maximum collection of the premium contingency assessment, such deficit shall be recovered from the companies participating in the plan in the proportion that the net direct premiums of each such member written during the preceding calendar year bears to the aggregate net direct premiums written in this state by all members of the association. "Premiums" as

used herein shall mean premiums for the lines of insurance defined in paragraphs 624.605(1)(b), (j), and (p), including premiums for such coverage issued under package policies.

(f) The plan shall provide for one or more insurers able and willing to provide policy service through licensed resident agents and claims service on behalf of all other insurers participating in the plan. In the event no insurer is able and willing to provide such services, the Joint Underwriting Association is authorized to perform any and all such services in an identical manner as though it were an authorized insurer.

(h) All books, records, documents, or audits relating to the Joint Underwriting Association or its operation shall be open to public inspection, except that a claim file in the possession of the Joint Underwriting Association shall not be available for review during the processing of that claim.

(i) As used in this section:

1. "Health care provider" means hospitals licensed under chapter 395, physicians licensed under chapter 458, osteopaths licensed under chapter 459, podiatrists licensed under chapter 461, dentists licensed under chapter 466, chiropractors licensed under chapter 460, naturopaths licensed under chapter 462, nurses licensed under chapter 464, nursing homes licensed under chapter 400, clinical laboratories registered under chapter 488, physicians' assistants licensed under chapter 458, physical therapists and physical therapist assistants licensed under chapter 486, health maintenance organizations certified under part II of chapter 641, ambulatory surgical centers as defined in subparagraph 2., and blood banks, plasma centers, industrial clinics, and renal dialysis facilities or professional associations, partnerships, corporations, joint ventures or other associations for professional activity by health care providers.

2. "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care or diagnostic or medical care or treatment and in which the patient is admitted to and discharged from said facility within the same working day and is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an ambulatory surgical center.

3. "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part II of chapter 641 or ambulatory surgical center as defined in subparagraph 2.

Section 5. Section 627.353, Florida Statutes, is amended to read:

627.353 Limitation of liability and patient's compensation fund.—

(1) DEFINITIONS.—The following definitions apply in the interpretation and enforcement of this section:

(a) "Fund" means the Florida Patient's Compensation Fund.

(b) "Health care provider" means any:

1. Hospital licensed under chapter 395;
2. Physician or physician's assistant licensed under chapter 458;
3. Osteopath licensed under chapter 459;
4. Podiatrist licensed under chapter 461;
5. Health maintenance organization certificated under part II of chapter 641;
6. Ambulatory surgical center as defined in paragraph (c).

7. Professional association, partnership, corporation, joint venture or other association by the individuals set forth in subparagraphs 2., 3., and 4., for professional activity.

(c) "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care or diagnostic or medical care or treatment and in which the patient is admitted to and discharged from said facility within the same working day and is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an ambulatory surgical center;

(d) "Hospital" means a hospital licensed under chapter 395.

(e) "Health maintenance organization" means any health maintenance organization certificated under part II of chapter 641.

(2) ~~(1)~~ LIMITATION OF LIABILITY.—

(a) All hospitals licensed under chapter 395 shall, unless exempted under paragraph (c), and all health care providers other than hospitals, physicians and physician's assistants licensed under chapter 458, osteopaths licensed under chapter 459, and podiatrists licensed under chapter 461 may, pay the yearly fee and assessment or a pro-rated assessment in cases where such hospital or health care provider joined the fund after the fiscal year had begun into the patient's compensation fund pursuant to subsection (3) ~~(2)~~ prior to practicing during any year.

(b) ~~Each health care provider~~ Each such licensed hospital, physician, physician's assistant, osteopath, or podiatrist shall not be liable for an amount in excess of \$100,000 per claim for claims covered under subsection (3) arising out of the rendering of medical care or services in this state if, at the time the incident giving rise to the cause of the claim occurred, the health care provider hospital, physician, physician's assistant, osteopath, or podiatrist:

1. Had:

- a. Posted bond in the amount of \$100,000 per claim;
- b. Proved financial responsibility in the amount of \$100,000 per claim to the satisfaction of the board of governors of the fund Insurance Commissioner through the establishment of an appropriate escrow account;
- c. Obtained medical malpractice insurance in the amount of \$100,000 per claim or more, from private insurers or the Joint Underwriting Association established under subsection 627.351(8); or
- d. Obtained self-insurance as provided in s. 627.355, providing coverage in an amount of \$100,000 per claim or more, and

2. Had paid for the year in which the incident occurred for which the claim was filed the fee required pursuant to subsection (3) ~~(2)~~.

(c) Any hospital that can meet one of the following provisions demonstrating financial responsibility to meet claims arising out of the rendering of medical care or services in this state shall not be required to participate in the fund:

1. Post bond in an amount equivalent to \$1,000,000 per claim and \$10,000 for each hospital bed in said hospital, not to exceed \$2,500,000 annual aggregate;

2. Prove financial responsibility in an amount equivalent to \$1,000,000 per claim and \$10,000 for each hospital bed in said hospital not to exceed \$2,500,000 annual aggregate, to the satisfaction of the board of governors of the fund Insurance Commissioner through the establishment of an appropriate escrow account;

3. Obtain professional liability coverage in an amount equivalent to \$1,000,000 per claim and \$2,500,000 annual aggregate \$10,000 or more for each bed in said hospital from a private insurer, from the Joint Underwriting Association established under subsection 627.351(8), or through a plan of self-insurance as provided in s. 627.355; however, no hospital shall be required to obtain such coverage in an amount exceeding \$2,500,000.

(d)1. Any health care provider licensed hospital, physician, physician's assistant, osteopath, or podiatrist who does not participate in the fund or participates and does not meet the provisions of paragraph (b) shall be subject to liability under law without regard to the provisions of this section.

2. Annually the Department of Health and Rehabilitative Services shall require certification by each hospital that said hospital is in compliance and shall remain in compliance with the provisions of this section. The license of any hospital not in compliance with or failing to remain in compliance with the provisions of this section or any hospital failing to provide such certification shall be revoked or suspended by said department.

(e) The limitation of liability and coverage afforded by the fund for a participating hospital or ambulatory surgical center shall apply to the officers, trustees, volunteer workers and employees of the hospital or ambulatory surgical center other than employed physicians licensed under chapter 458 who are not in a resident training program and physician's assistants licensed under chapter 458, osteopaths licensed under chapter 459, dentists licensed under chapter 466 and podiatrists licensed under chapter 461.

(3) (2) PATIENT'S COMPENSATION FUND.—

(a) The fund.—There is created a "Florida Patient's Compensation Fund," hereinafter referred to as the "fund," for the purpose of paying that portion of any medical malpractice claim for health care providers or patient injury claim for those health care providers set forth in subsection (1)(b)1., 5. and 6. which is in excess of the limits \$100,000 as set forth in paragraph (2)(b) ~~(1)(b)~~. The fund shall be liable only for payment of claims against health care providers hospitals, physicians, physician's assistants, osteopaths, and podiatrists in compliance with the provisions of paragraph (2)(b) ~~(1)(b)~~ and reasonable and necessary expenses incurred in payment of claims and fund administrative expenses.

(b) Fund administration and operation.—Management of the fund shall be vested with the Joint Underwriting Association authorized by subsection 627.351(8), hereinafter referred to as the "JUA." The JUA shall operate subject to the supervision and approval of a board of governors consisting of representatives of five of the insurers participating in the JUA, an attorney to be named by The Florida Bar, a physician to be named by the Florida Medical Association, a hospital representative to be named by the Florida Hospital Association, and the Insurance Commissioner or his designated representative employed by the Department of Insurance. The Insurance Commissioner or his representative shall be the chairman of the board. In the event of termination or dissolution of said board JUA with respect to providing professional liability, or malpractice or patient injury insurance, the JUA shall continue to operate for the purpose of fund management as provided in this subsection.

(c) Fees and assessments.—Annually, each health care provider licensed hospital, physician, physician's assistant, osteopath, or podiatrist, as set forth in subsection (2) ~~(1)~~, electing to comply with paragraph (2)(b) ~~(1)(b)~~ shall pay the fees established under this act for deposit into the fund, which shall be remitted for deposit in a manner prescribed by the Insurance Commissioner. The coverage provided by the fund shall begin July 1, 1975, and run thereafter on a fiscal year basis. For the first year of participation operation, each participating health care provider licensed hospital, physician, physician's assistant, osteopath, or podiatrist covered under the fund shall pay a fee for deposit into the fund in the amount of \$1,000 for any individual or \$300 per bed for any hospital. Those entering the fund after the fiscal year has begun shall pay a pro-rated share of the yearly fees for a pro-rated membership. The fee charged after the first year of participation operation shall consist of a base fee of \$500 for any individual or \$300 per bed for any hospital. The fees or assessments to be paid by those health care providers defined in subsection (1)(b)5., 6., and 7. shall be established by the fund on an actuarially sound basis. In addition, after the first year of operation, additional fees shall be assessed appropriately pro-rated for the portion of the year for which the health care provider participated in the fund, based on the following considerations:

1. Past and prospective loss and expense experience in different types of practice and in different geographical areas within the state;

2. The prior claims experience of persons or hospitals covered under the fund; and

3. Risk factors for persons who are retired, semiretired, or part-time professionals.

Said base fees may be adjusted downward for any fiscal year in which a lesser amount would be adequate and in which the additional fee would not be necessary to maintain the solvency of the fund. Said additional fee shall be based on not more than two geographical areas with three categories of practice and with categories a fourth category which contemplates individual risk rating for hospitals, for

health maintenance organizations and for ambulatory surgical facilities. Each fiscal year of the fund shall operate independently of preceding fiscal years. Participants shall only be liable for assessments for claims from years during which they were members of the fund; in cases where a participant is a member of the fund for less than the total fiscal year, he shall be subject to assessments for that year on a pro-rata basis determined by the percentage of the year he participated. The fund shall be maintained at not more than \$25,000,000. Fees and refunds shall be set by the Insurance Commissioner after consultation with the JUA. Nothing contained herein shall be construed as imposing liability for payment of any part of a fund deficit on the JUA or its member insurers. If the fund JUA determines that the amount of money in an account for a given fiscal year the fund is not sufficient to satisfy the claims made against the account fund in a given fiscal year, the fund JUA shall certify the amount of the projected insufficiency to the Insurance Commissioner and request the Insurance Commissioner to levy a deficit assessment against all participants in the fund for that fiscal year pro-rated based on the number of days of participation during the year in question. The Insurance Commissioner shall order such refund to or levy such deficit assessment against such participants in amounts that fairly reflect the classifications prescribed above and are sufficient to obtain the money necessary to meet all claims for said fiscal year. In no case shall any deficit assessment for a particular year against any health care provider other than a hospital exceed an amount equal to the fee originally paid by such health care provider for participation in the fund for the year giving rise to such deficit assessment.

(d) Fund accounting and audit.—

1. Moneys shall be withdrawn from the fund only upon vouchers approved by the JUA as authorized by the board of governors.

2. All books, records, and audits of the fund shall be open for reasonable inspection to the general public, except that a claim file in possession of the fund shall not be available for review during processing of that claim.

3. Persons authorized to receive deposits, issue vouchers, or withdraw or otherwise disburse any fund moneys shall post a blanket fidelity bond in an amount reasonably sufficient to protect fund assets. The cost of such bond shall be paid from the fund.

4. Annually, the fund JUA shall furnish upon request an audited financial reports report to any all fund participants and to the Department of Insurance and the Joint Legislative Auditing Committee. The reports report shall be prepared in accordance with accepted accounting procedures and shall include income and such other information as may be required by the Department of Insurance or the Joint Legislative Auditing Committee.

5. Moneys held in the fund shall be invested in short-term interest-bearing investments by the JUA as administrator. However, in no case shall said moneys be invested for longer than 3 years or in the stock of any insurer participating in the JUA or in the parent company or company owning a controlling interest of said insurer. All income derived from such investments shall be credited to the fund.

6. Any health care provider person or hospital participating in the fund may withdraw from such participation only at the end of a any fiscal year; however, such health care provider person or hospital shall remain subject to any deficit assessment and any refund pertaining to any year in which such person or hospital participated in the fund.

(e) Claims procedures.—

1. Any person may file an action for damages arising out of the rendering of medical care or services against a participating health care provider for damages person covered under the fund, except that the person filing the claim shall not recover against the fund any portion of a judgment for damages arising out of the rendering of or failure to render medical care or services against a health care provider for damages person covered under the fund unless the fund was named as a defendant in the suit. If, after the facts upon which the claim is based are reviewed, it appears that the claim will exceed \$100,000 or the amount of the health care provider's basic coverage, if greater, the fund shall appear and actively defend itself when named as a defendant in the suit. In so defend-

ing, the fund shall retain counsel and pay out of the account for the appropriate year fund attorneys' fees and expenses, including court costs incurred in defending the fund. The attorney or law firm retained to defend the fund shall not be retained or employed by the JUA to perform legal services for the JUA other than those directly connected with the fund. The fund is authorized to negotiate with any claimants having a judgment exceeding \$100,000 cost to the fund \$500,000 to reach an agreement as to the manner in which that portion of the judgment exceeding that \$100,000 cost \$500,000 is to be paid. Any judgment affecting the fund may be appealed under the Florida Appellate Rules of Procedure, as with any defendant.

2. It shall be the responsibility of the insurer or self-insurer providing insurance or self-insurance for a health care provider hospital, physician, physician's assistant, osteopath, or podiatrist who is also covered by the fund to provide an adequate defense on any claim filed which potentially affects the fund, with respect to such insurance contract or self-insurance contract. The insurer or self-insurer shall act in a fiduciary relationship toward the fund with respect to any claim affecting the fund. No settlement exceeding \$100,000, or any other amount which could require payment by the fund, shall be agreed to unless approved by the fund JUA.

3. A person who has recovered a final judgment or a settlement approved by the fund JUA against a health care provider hospital, physician, physician's assistant, osteopath, or podiatrist who is covered by the fund may file a claim with the fund JUA to recover that portion of such judgment or settlement which is in excess of \$100,000 or the amount of the health care provider's basic coverage, if greater, as set forth in paragraph (2)(b) (4)(b). In the event an account for a given year the fund incurs liability exceeding \$100,000 \$1,000,000 to all persons any person under a single occurrence, the persons recovering shall be paid from the account at a rate the fund shall pay not more than \$100,000 per person, \$1,000,000 per year until the claim has been paid in full, except that court costs and reasonable attorney's fees shall be paid in one lump sum within 90 days after the settlement or judgment is rendered. Such fees shall not reduce the amount of the annual award.

4. Settlements or judgments Claims filed against the fund shall be paid in the order received within 90 days after date of settlement or judgment filing unless appealed by the fund. If the account for a given year fund does not have enough money to pay all of the settlements or judgments, those claims claims received after the funds are exhausted shall be immediately payable from the assessments of participants for that year the following year in the order in which they were received.

5. If a health care provider hospital or person participating in the fund has coverage in excess of \$100,000, per claim, such health care provider he shall be liable for losses up to the amount of his coverage, and such health care provider he shall receive an appropriate reduction of the fees and assessments his assessment for participation in the fund. Such reduction shall be granted only after that health care provider hospital or person has proved to the satisfaction of the fund JUA that such health care provider had he has such coverage during the period of membership of the fiscal year.

Section 6. Paragraph (a) of subsection (1) of section 768.133, Florida Statutes, is amended to read:

768.133 Medical liability mediation panels; membership; hearings.—

(1)(a) Any person or his representative claiming damages by reason of injury, death, or monetary loss on account of alleged malpractice by any medical or osteopathic physician, podiatrist, hospital, or health maintenance organization against whom he believes there is a reasonable basis for a claim shall submit such claim to an appropriate medical liability mediation panel before that claim may be filed in any court of this state.

Section 7. Subsection (1) of section 627.355, Florida Statutes, is amended to read:

627.355 Medical malpractice insurance; purchase.—

(1) A group or association of health care providers as defined in s. 627.353(1)(b) physicians or health care facilities, composed of any number of members, is authorized to self-insure against claims arising out of the rendering of or failure to render medical care or services and coverage for bodily injury

or property damage including all patient injuries arising out of the insured's activities of medical malpractice upon obtaining approval from the Department of Insurance and upon complying with the following conditions:

(a) Establishment of a Medical Malpractice Risk Management Trust Fund to provide coverage against professional medical malpractice liability.

(b) Employment of professional consultants for loss prevention and claims management coordination under a risk management program.

Any such group or association shall be subject to regulation and investigation by the department. The group or association shall be subject to such rules as the department adopts and shall also be subject to part VII of chapter 626, relating to trade practices and frauds.

Section 8. Section 627.638, Florida Statutes, is amended to read:

627.638 Direct payment for hospital, medical services.—

(1) Any disability insurance policy insuring against loss or expense due to hospital confinement or to medical and related services may provide for payment of benefits direct to any recognized hospital, doctor, or other person who provided such services, in accordance with the provisions of the policy. To comply with this section, the words "or to the hospital, doctor, or person rendering services covered by this policy," or similar words appropriate to the terms of the policy, shall be added to applicable provisions of the policy.

(2) The provisions of subsection (1) to the contrary notwithstanding, direct payment by an insurer under the provisions of this section shall be made only after the hospital, nursing home, or provider of health services has provided the patient or his representative, physician, agent, or guardian, and the patient's insurer, with an itemized statement, written in laymen's terms, of services rendered and charges made for such services.

(3) In the event that a patient or his representative, physician, agent, or guardian does object to any item on the statement as provided in subsection (2), the hospital, nursing home, or provider of health services submitting such statement shall make proof of the loss or expense to the satisfaction of the patient or his representative, physician, agent, or guardian. Objection to one or more items on the statement shall not prohibit the patient's insurer from paying the hospital, nursing home or provider of health services.

Section 9. Sections 627.6440-627.6448, Florida Statutes, are created to read:

627.6440 Qualified Healthcare Plan Law.—Sections 627.6440-627.6448 may be referred to as the "Qualified Healthcare Plan Law."

627.6441 Definitions.—Unless the context clearly indicates otherwise, the terms used in this Act shall have the meanings prescribed to them in this section.

(1) "Health insurance" means hospital and medical expense incurred policies and nonprofit hospital and medical service plan contracts. The term "health insurance" for purposes of this Act does not include short term, accident only, fixed indemnity policies, automobile medical payment nor coverage issued as a supplement to liability insurance.

(2) "Carrier" means insurance companies and nonprofit hospital and medical service plan corporations.

(3) "Participating carrier" means a carrier transacting health insurance in this State and as such becoming a member of the state Qualified Healthcare Insurance Association.

(4) "Commissioner" means the insurance commissioner and treasurer.

627.6442 Qualified Healthcare Plans; Availability.—Every carrier doing business in this State, as a condition to transacting health insurance, as defined in section 627.6441, shall make Qualified Healthcare Plans available to any eligible citizen of this state through individual policies pursuant to section 627.6445, by participating in the state Qualified Healthcare Association pursuant to section 627.6447, or in accordance with the provisions of these sections and other applicable portions of this Act. Nothing in this Act shall operate to preclude the

right of licensed carriers to transact other kinds of insurance for which they are licensed, nor to preclude the right of licensed health insurance carriers to transact any other lawful kind of health insurance not covered by this Act.

627.6443 Minimum Standard Healthcare Benefits.—

(1) *IN GENERAL.* For purposes of this Act, the minimum standard health care benefits for a covered individual for any given year shall, subject to the other provisions of this section, be equal to at least 90% of the excess, if any, of the covered expenses specified in subsection (2) which are incurred in that year over the deductible specified in subsection (3) and provided that there shall be no maximum limit on benefits.

(2) *COVERED EXPENSES.* Covered expenses shall be the reasonable and customary charges for the following services and articles to the extent prescribed by a physician:

(a) Hospital services;

(b) Professional services for the diagnosis or treatment of injuries, illnesses, or conditions, other than mental or dental, which are rendered by a physician or, at his direction, by his staff of registered professional nurses (RN) and allied health professionals;

(c) The first twenty professional visits for the diagnosis or treatment of one or more mental conditions rendered during the year by one or more physicians, or, at their direction, by their staff of registered professional nurses (RN) and allied health professionals;

(d) Drugs requiring a physician's prescription;

(e) Services of a skilled nursing facility for not more than 100 days in a year provided that they are medically necessary;

(f) Services of a home health agency up to a maximum of 270 services in a year;

(g) Use of radium or other radioactive materials;

(h) Oxygen;

(i) Anesthetics;

(j) Prostheses, other than dental;

(k) Rental of durable medical equipment which has not personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery for excision of: partially or completely unerupted impacted teeth, a tooth root without the extraction of the entire tooth, or, the gums and tissues of the mouth when not performed in connection with the extraction or repair of teeth; and,

(n) Services of a physical therapist.

(3) *DEDUCTIBLES.* The deductible for each year shall be no greater than \$2,000 per person or \$3,500 aggregate per family. Expenses incurred and actually applied toward an individual's deductible during the last three months of a calendar year are carried over and count toward the deductible of that person for the following year.

(4) *EXCLUSIONS.* Charges for the services and articles specified in subsection (2) do not include any of the following:

(a) Any charge for any care for any injury or disease either (i) arising out of and in the course of an employment subject to a workmen's compensation or similar law, or (ii) for which benefits are payable without regard to fault under the Florida Automobile Reparations Reform Act or (iii) covered under any Federal insurance plan.

(b) Any charge for treatment for cosmetic purposes other than surgery for the prompt repair of a nonoccupational injury;

(c) Any charge for travel (other than travel by local professional ambulance to the nearest health care institution qualified to treat the illness or injury);

(d) Any charge for confinement in a private room, unless medically necessary, to the extent it is in excess of the institution's charge for its most common semiprivate room;

(e) Any charge by health care institutions to the extent that it exceeds the prevailing charge in the locality for the service;

(f) Any charge for services or articles rendered or prescribed by a physician, dentist, or other health care personnel that exceeds the prevailing charge in the locality for the service;

(g) Any charge for services or articles which are determined not to be necessary; or

(h) Any charge for services or articles the provision of which is not within the scope of the license or certificate of the institution or individual rendering such services or articles.

(5) DEFINITIONS.

(a) The term "skilled nursing facility", "home health agency" and "hospital" (herein referred to as "health care institutions"), and "home health services" shall have the meanings assigned to them in Section 1861 of the Social Security Act.

(b) The term "services of a skilled nursing facility" means that such services must commence within 14 days following a confinement of at least three consecutive days in a hospital for the same condition.

(c) The term "services of a home health agency" means that there is a planned program for continued care and treatment of the covered individual established and approved in writing by such person's attending physician within 14 days following termination of a hospital confinement as a resident inpatient of at least three days for the same or related condition for which the person was hospitalized.

(d) For purposes of meeting the specific dollar requirements of this section under prepaid service plan type contracts, the equivalent value of service provided shall be applicable.

627.6444 *Individuals Covered.*—A Qualified Healthcare Plan must contain the minimum standards of benefits prescribed in section 627.6443 and must also conform in substance to the requirements of this section.

(1) The plan must be one under which the individuals eligible to be covered include:

(a) the insured; and

(b) the spouse of each, and dependent unmarried children from the moment of birth as required by section 627.6441. The coverage of any dependent child shall terminate at the end of the premium period in which the child marries, ceases to be dependent of the insured or attains the age of 19, whichever occurs first, except that if the child is a full-time student at an accredited institution, the coverage may be continued while the child remains unmarried and a full-time student, but not beyond the premium period in which the child attains the age of 25.

(2) The plan may provide any benefits for medical care in addition to the minimum standard benefits prescribed in section 627.6443 of this Act, and may also cover any individual in addition to the individuals prescribed in subsection (1) of this section.

627.6445 *Qualified Healthcare Plans.*—A Qualified Healthcare Plan must contain the minimum standards of benefits prescribed in section 627.6443, and must also conform in substance to the requirements of this section. Each Qualified Healthcare Plan must contain provisions:

(1) under which the contract is guaranteed renewable to the date on which the individual in whose name the contract is issued first becomes eligible for coverage under Title XVIII of the Social Security Act;

(2) which, upon the death of the individual in whose name the contract was issued, permits every other individual then covered under the contract to elect, within such period as shall be specified in the contract, to continue his coverage under the same or different contract until such time as he would have ceased to be entitled to coverage had the individual in whose name the contract was issued lived;

(3) under which the benefits payable shall be paid net of all other sources of health insurance benefits, including benefits provided pursuant to any state or Federal law other than Medicaid; and

(4) No preexisting condition exclusion period shall exclude coverage of any preexisting condition unless:

(a) the condition manifested itself within a period of five years prior to the effective date of coverage in such a manner as would cause a reasonably prudent person to seek diagnosis, care or treatment; or

(b) medical treatment was recommended or received within a period of five years prior to the effective date of coverage. No Qualified Healthcare Plan shall exclude coverage for a loss due to preexisting conditions for a period greater than two years following the policy issue, except where the application for such policy does not seek disclosure of prior illness, disease or physical condition or prior medical care and treatment such period shall be limited to 12 months, and such preexisting conditions are not specifically excluded by the terms of the policy.

627.6446 *Qualified Healthcare Plans Generally.*—All Qualified Healthcare Plans, whether written under section 627.6445 or issued by or reinsured through the Association under section 627.6447, shall be subject to the following additional requirements and limitations:

(1) No person shall be eligible for Qualified Healthcare Plan coverage that, at the time of application therefor, already has coverage under a Qualified Healthcare Plan. All Qualified Healthcare Plan coverages shall provide benefits net of all other health insurance coverages paid or payable through any other source, including health insurance coverages provided by or pursuant to any other state or Federal law, Title XVIII Medicare, but excluding Medicaid.

(2) Benefits payable under Qualified Healthcare Plans shall be for necessary care and treatment, and for reasonable and customary charges, subject to review by organized peer review and utilization review mechanisms, or in their absence, to be determined by the carrier.

(3) All Qualified Healthcare Plan contracts, whether issued by carriers or issued or reinsured by the State Healthcare Insurance Association, shall conform to the requirements of this Act, and other existing laws applicable thereto and not inconsistent with this Act. No such Qualified Healthcare Plan contract may be issued until approved by the Commissioner or until the expiration of thirty days from the date of filing, whichever occurs earlier.

627.6447 *State Healthcare Insurance Association.*—There is hereby created a nonprofit legal entity to be known as the state Healthcare Insurance Association. All carriers doing business in the state, as a condition to their authority to transact the kinds of health insurance defined in section 627.6441 shall be members of the Association. The Association shall perform its functions under a plan of operation established and approved under subsection (1), and shall exercise its powers through a board of directors established under this section.

(1) ORGANIZATION OF ASSOCIATION.

(a) The board of directors of the Association shall be selected by participating carriers subject to the approval of the Commissioner of Insurance. To select the initial board of directors, and to initially organize the Association, the Commissioner shall give notice to all licensed carriers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting, each carrier shall be entitled to one vote in person or proxy. If the board of directors is not selected within 60 days after the organizational meeting, the Commissioner shall appoint the initial board. In approving or selecting members of the board, the Commissioner shall consider, among other things, whether all carriers are fairly represented. Members of the board may be reimbursed from the moneys of the Association for expenses incurred by them as members, but shall not otherwise be compensated by the Association for their services.

(b) The Association shall submit to the Commissioner a plan of operation for the Association and any amendments thereto necessary or suitable to assure the fair, reasonable and equitable administration of the Association. The plan of operation shall become effective upon approval in writing by the Commissioner consistent with the date on which the coverage under this Act must be made available. The Commissioner shall, after notice and hearing, approve the plan of operation provided such plan is determined to be suitable to assure the fair, reasonable and equitable administration of the Association, and provides for the sharing of Association gains or losses on an

equitable proportionate basis. If the Association fails to submit a suitable plan of operation within 180 days after the appointment of the board of directors, or at any time thereafter the Association fails to submit suitable amendments to the plan, the Commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this section. Such rules shall continue in force until modified by the Commissioner or superseded by a plan submitted by the Association and approved by the Commissioner. The plan of operation shall, in addition to requirements enumerated elsewhere in this Act:

1. Establish procedures for the handling and accounting of assets and moneys of the Association;
2. Establish the amount and method of reimbursing members of the board;
3. Establish regular times and places for meetings of the board of directors;
4. Establish procedures for records to be kept of all financial transactions, and for the annual fiscal reporting to the Commissioner;
5. Establish procedures whereby selections for the board of directors will be made and submitted to the Commissioner for his approval;
6. Contain additional provisions necessary or proper for the execution of the powers and duties of the Association; and
7. Establish procedures for the advertising of open enrollment period at least 30 days in advance thereof, and for the advertisement on behalf of all participating carriers of the general availability of the comprehensive coverage under this Act.

(2) **POWERS AND DUTIES OF THE ASSOCIATION.** The Association shall have the general powers and authority granted under the laws of this state to carriers licensed to transact the kinds of insurance defined under section 627.6441, and in addition thereto, the specific authority to:

- (a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this Act;
- (b) Sue or be sued, including taking any legal actions necessary or proper for recovery of any assessments for, on behalf of, or against participating carriers;
- (c) Take such legal action as necessary to avoid the payment of improper claims against the Association or the coverage provided by or through the Association;
- (d) Establish appropriate rates, scales of rates, rate classifications and rating adjustments, such rates not to be unreasonable in relation to the coverage provided and the operational expenses of the Association;
- (e) Administer any type of reinsurance program for or on behalf of participating carriers;
- (f) Pool risks among participating carriers;
- (g) Issue policies of insurance on an indemnity or provision of service basis providing the coverage required by this Act in its own name or on behalf of participating carriers;
- (h) Administer separate pools, separate accounts, or other plans as deemed appropriate for separate carriers or groups of carriers;
- (i) Operate and administer any combination of plans, pools, reinsurance arrangements or other mechanisms as deemed appropriate to best accomplish the fair and equitable operation of the Association; and
- (j) Appoint from among participating carriers appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the Association, policy and other contract design, and any other function within the authority of the Association.

(3) **SELECTION AND ADMINISTRATION OF RISKS.** Every carrier shall participate in the state Healthcare Association in accordance with the provisions of this subsection.

(a) A participating carrier shall determine the particular risks it elects to reinsure in the Association or have coverage

issued by the Association on its behalf. The election of particular risks shall be made from the following risk classes the carrier underwrites in the State:

1. Individual, excluding group conversions;
2. Group conversions; and
3. Groups with fewer than 50 employees or members.

(b) No carrier or group policyholder shall be permitted to select out individual lives from an employer group and reinsure them in the Association. Carriers electing to administer risks which are reinsured in the Association shall comply with the benefit determination guidelines and the accounting procedures established by the Association. A risk reinsured in the Association cannot be withdrawn by the participating carrier except in accordance with the rules established by the Association.

(c) Rates for coverages issued by the Association or for reinsurance through the Association shall not be unreasonable in relation to the benefits provided, the risk experience and the expenses of providing the coverage. Separate scales of premium rates will apply for individual risks and group risks, consisting of one rate for each of a number of age brackets of insured individuals and one rate for all eligible dependents. All rates may be adjusted for area variations in provider costs. Premium rates shall take into consideration the substantial extra morbidity and administrative expenses for reinsured risks, reasonable expense allowances to reinsurers, and the level of rates charged by carriers for groups of 50 or more lives. All rates promulgated by the Association through an actuarial committee consisting of five persons who are members of the American Academy of Actuaries, shall be submitted for approval by the Commissioner.

(4) **FISCAL OPERATION OF THE ASSOCIATION.**

(a) Following the close of each fiscal year, the Association administrator shall determine the net premiums (reinsurance premiums less administrative expense allowance), the expenses of administration pertaining to the reinsurance operations of the Association and the incurred losses for the year. Any net loss shall be assessed to all participating carriers in proportion to their respective shares of the total health insurance premium earned during the calendar year (or with paid losses in the year) coinciding with or ending during the fiscal year of the Association. Net gains, if any, shall be held at interest to offset future losses or allocated to reduce future premiums.

(b) Expense allowances referred to in paragraph (a) of subsection (4) shall also apply to risks for which policies are issued by the Association by reason of open enrollments or for which particular carriers do not elect to administer one or more classes of risks reinsured in the Association. Any net loss to the Association represented by the excess of its actual expenses of administering policies issued by the Association over the applicable expenses allowance shall be separately assessed to the participating carriers. All assessments shall be on an equitable formula established by the Association through its Actuarial Committee.

(c) Notwithstanding the provisions of section 624.509, premiums for coverage issued by or reinsured through the Association shall, as to the Association and participating carriers, be exempt from premium taxation, and each participating carrier shall be allowed to take as a credit against premium taxes payable to the state an amount equal to its assessments to the Association during the tax year.

(d) The Association shall conduct periodic audits to assure the general accuracy of the financial data submitted to the Association, and the Association shall have an annual audit of its operations by an independent Certified Public Accountant. The annual audit shall be filed with the Commissioner for his review.

(5) **POLICY FORMS AND PROVISIONS.** All policy forms issued by the Association or reinsured through the Association shall conform in substance to prototype forms developed by the Association, shall in all other respects conform to the requirements of this Act, and shall be approved by the Commissioner of Insurance.

(6) **AVAILABILITY OF COVERAGE.** The Association shall not issue or reinsure Qualified Healthcare Plan coverage

to any person who is not a lawful resident of this State, or to any individual or group, that on the date of application for coverage or reinsurance, already has health insurance coverage as defined in section 627.6441 as an insured or covered dependent.

(7) **OPEN ENROLLMENTS.** The Association shall conduct open enrollments for eligible individuals at least once each fiscal year. Coverage issued pursuant to such open enrollment shall be effective on the first day of the second month following the month of application as to covered expenses incurred on and after such effective date.

(8) Benefits payable under any Qualified Healthcare Plan issued by or reinsured through the Association shall be paid net of all other health insurance benefits paid or payable through any other source, and net of all health insurance coverages provided by or pursuant to any other state or Federal law including Title XVIII Medicare, but excluding Medicaid.

627.6448 Carrier Collective Action.—Neither the participation by carriers in the state Healthcare Association, the establishment of uniform rates, forms or procedures for coverages issued by or reinsured through the Association, nor any joint or collective action required by this Act shall be the basis for any legal action, criminal or civil liability against the Association or any of the participating carriers.

Section 10. Subsection (5) of section 627.662, Florida Statutes, is created to read:

627.662 Other provisions applicable.—The following sections from part VI of chapter 627 (disability insurance policies) shall also apply as to group disability insurance and blanket disability insurance and franchise disability insurance:

(5) Sections 627.6440-627.6448 (Qualified Healthcare Plan Law), except that in s. 627.6444 the words employee or member of the group policyholder shall be substituted for the word insured.

Section 11. Subsections (5) and (6) of section 627.657, Florida Statutes, are created to read:

627.657 Provisions of group disability policies.—Each group disability policy shall contain in substance the following provisions:

(5) Any group, blanket, or disability policy offered as mandated by subsection (5) of s. 627.662 must provide for continuation of coverage under each of the following circumstances:

(a) Upon layoff or leave of absence, or termination of employment, other than as a result of death of the employee, continuation of coverage for such employee and his covered dependents to the end of the second calendar month following the calendar month in which such layoff, leave of absence or termination commenced;

(b) Upon the death of the employee, continuation of coverage for the covered dependents of such employee to the end of the second calendar month following the calendar month in which death occurred;

(c) During an employee's absence due to illness or injury, continuation of coverage for such employee and his covered dependents for up to 30 months from the beginning of such absence;

(d) Upon termination of the group plan, coverage for covered individuals who were totally disabled on the date of termination, shall be continued for a period of 12 calendar months following the calendar month in which the plan was terminated, provided claim is submitted therefor within two years of the termination of the plan. Such continued coverage shall also include pregnancy benefits provided the covered individual was pregnant on the date the plan is terminated.

(e) Any employee or dependent entitled to continuation of coverage under any of the above paragraphs at a time when the employer changes plans, and who would thereby lose his continuation of coverage, must be eligible under any successor plan for not less than the continuation of the coverage that would have been required had the prior plan remained unchanged; and

(f) Any continuation of coverage required by this section shall be subject to the requirement on the part of the individual whose coverage is to be continued, that such individual con-

tribute that portion of the premium he would have been required to contribute had the employee remained an active covered employee.

(6) The coverage of any covered individual shall terminate:

(a) as to the employee's spouse, at the end of the premium period in which a dissolution of marriage, annulment or legal separation is obtained; or

(b) as to the employee or employee's spouse, the day preceding such person's eligibility for benefits under Title XVII of the Social Security Act.

Section 12. Subsection (1) of section 627.410, Florida Statutes, is amended to read:

627.410 Filing, approval of forms.—

(1) No basic insurance policy or annuity contract form, or application form where written application is required and is to be made a part of the policy or contract, or group certificates issued under master contracts delivered in this state, or printed rider or endorsement form or form of renewal certificate, shall be delivered or issued for delivery in this state, unless the form has been filed with the department at its offices in Tallahassee by or in behalf of the insurer which proposes to use such form, and approved by the department. This provision shall not apply to surety bonds, or to specially rated inland marine risks, nor to policies, riders, endorsements or forms of unique character designed for and used with relation to insurance upon a particular subject (other than as to disability insurance), or which relate to the manner of distribution of benefits or to the reservation of rights and benefits under life or disability insurance policies and are used at the request of the individual policy holder, contract holder, or certificate holder. ~~As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state shall be filed with the department for information purposes only at its request.~~

Section 13. Subsection (6) is added to section 627.411, Florida Statutes, to read:

627.411 Grounds for disapproval.—The department shall disapprove any form filed under s. 627.410, or withdraw any previous approval thereof, only if the form:

(6) Is a group certificate to be delivered or issued for delivery in this state under a group insurance policy effectuated outside this state but covering residents of this state, where such group policy does not contain provisions substantially as favorable to policyholders, insureds, and beneficiaries as those required for like policies issued under this code.

Section 14. Section 458.01, Florida Statutes, is amended to read:

458.01 Board of Medical Examiners; qualifications.—A board is established within the Division of Professions of the Department of Professional and Occupational Regulation to be known by the name and style of the "State Board of Medical Examiners," said board shall be composed of ten practicing physicians of integrity and ability, who shall be residents of, and duly licensed to practice medicine in, this state, and who shall have graduated from reputable medical schools and have been engaged in the active practice of their profession within this state for at least a period of 5 years, but none of them shall be connected in any way with any medical college; said board shall perform such duties and possess and exercise such powers relative to the protection of the public health and the control and regulation of the practice of medicine in the state as is prescribed and conferred upon it in this chapter. The powers and duties of said board with respect to the competency of the medical profession shall be of especial concern to the board and said powers and duties shall be exercised in a positive and enlightened fashion in order to ensure the protection of the public health, safety and welfare.

Section 15. Section 768.065, Florida Statutes, is created to read:

768.065 Medical negligence; standards of recovery, etc.—

(1) In any action for recovery of damages based on the death or personal injury of any person in which it is alleged that such death or injury resulted from the negligence of a

health care provider, as defined in s. 627.351(8)(i), the claimant shall have the burden of proving by the greater weight of evidence that the alleged actions of the health care provider represented a breach of the accepted standard of care for that health care provider. The accepted standard of care for a given health care provider shall be that level of care, skill, and treatment which is generally recognized by reasonable prudent similar health care providers as being acceptable under similar conditions and circumstances.

(2)(a) If the health care provider whose negligence is claimed to have created the cause of action is not certified by the appropriate American board as being a specialist, is not trained and experienced in a medical specialty, or does not hold himself out as a specialist, a "similar health care provider" is one who:

1. Is licensed by the appropriate regulatory agency of this state; and

2. Is trained and experienced in the same discipline or school of practice;

(b) If the health care provider whose negligence is claimed to have created the cause of action is certified by the appropriate American board as a specialist, is trained and experienced in a medical specialty, or holds himself out as a specialist, a "similar health care provider" is one who:

1. Is trained and experienced in the same specialty; and

2. Is certified by the appropriate American board in the same specialty.

(c) The purpose of this subsection is to establish a relative standard of care for various categories and classifications of health care providers. Any health care provider may testify as an expert in any action if he is a similar health care provider pursuant to paragraph (a) or (b) or, if he is not a similar health care provider pursuant to paragraph (a) or (b) and, in the satisfaction of the court, he possesses sufficient training, experience, and knowledge to provide such expert testimony as to the acceptable standard of care in a given cause.

(3) A health care provider may choose one of several alternative methods or means of rendering professional health care services when the particular method or means chosen is recognized to be proper by at least a respectable minority of reasonably prudent similar health care providers as being acceptable under similar conditions and circumstances, provided said method or means is carried out in keeping with an accepted standard of care as set forth in this section.

(4) If the injury is claimed to have resulted from the negligent affirmative medical intervention of the health care provider, the claimant must show the following in order to prove a breach of an accepted standard of care:

(a) The injury was in excess of, or different from, the condition necessitating medical intervention; and

(b) The injury was not within the necessary or reasonably foreseeable results of the surgical, medicinal, or diagnostic procedure constituting the medical intervention if the intervention from which the injury is alleged to have resulted was carried out in accordance with an acceptable standard of care by a reasonably prudent similar health care provider.

(c) The provisions of this subsection shall apply only when the medical intervention was undertaken with the informed consent of the patient in compliance with the provisions of s. 768.132.

(5) The existence of a medical injury shall not create any inference of presumption of negligence against a health care provider and the claimant must maintain the burden of proving that an injury was proximately caused by a breach of the accepted standard of care by the health care provider. Provided however, the discovery of the presence of a foreign body such as a sponge, clamp, forceps, surgical needle or other paraphernalia, commonly used in surgical or examination procedures shall be prima facie evidence of negligence on the part of the health care provider.

Section 16. Sections 626.951, 626.952, 626.953, 626.954, 626.955, 626.956, 626.957, 626.958, 626.959, 626.960, 626.961, 626.962, 62.963, and 626.964, Florida Statutes, are amended to read:

(Substantial rewording of sections. See sections 626.951 through 626.964, F.S. for present text.)

PART VII

UNFAIR METHODS OF COMPETITION AND UNFAIR AND DECEPTIVE ACTS AND PRACTICES

626.951 Declaration of purpose.—

(1) The purpose of this part is to regulate trade practices relating to the business of insurance in accordance with the intent of congress as expressed in the Act of Congress of March 9, 1945 (Public Law 15, 79th Congress), by defining, or providing for the determination of, all such practices in this state which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined.

(2) Chapter 626, part VII, shall be entitled the "Unfair Insurance Trade Practices Act."

626.952 Definitions.—When used in this part:

(1) "Person" means any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds insurer, fraternal benefit society or business trust, and any entity involved in the business of insurance.

(2) "Department" means the Department of Insurance of this state.

(3) "Insurance policy" or "insurance contract" means written contract of or written agreement for or effecting insurance, or the certificate thereof, by whatever name called, and includes all clauses, riders, endorsements, and papers which are a part thereof.

626.953 Unfair methods of competition and unfair or deceptive acts or practices prohibited.—No person shall engage in this state in any trade practice which is defined in this part as, or determined pursuant to section 626.956 to be, an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance. Any person who violates any provision of this part shall be subject to the penalties provided in section 627.381.

626.954 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(1) MISREPRESENTATIONS AND FALSE ADVERTISING OF INSURANCE POLICIES.—Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

(a) Misrepresents the benefits, advantages, conditions, or terms of any insurance policy; or

(b) Misrepresents the dividends or share of the surplus to be received on any insurance policy; or

(c) Makes any false or misleading statements as to the dividends or share of surplus previously paid on any insurance policy; or

(d) Is misleading or is a misrepresentation as to the financial condition of any person, or as to the legal reserve system upon which any life insurer operates; or

(e) Uses any name or title of any insurance policy or class of insurance policies misrepresenting the true nature thereof; or

(f) Is a misrepresentation for the purpose of inducing or tending to induce the lapse, forfeiture, exchange, conversion, or surrender of any insurance policy; or

(g) Is a misrepresentation for the purpose of effecting a pledge or assignment of or effecting a loan against any insurance policy; or

(h) Misrepresents any insurance policy as being shares of stock or misrepresents ownership interest in the company.

(2) FALSE INFORMATION AND ADVERTISING GENERALLY.—Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed

before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance which is untrue, deceptive, or misleading.

(3) **DEFAMATION.**—Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to any person, and which is calculated to injure such person.

(4) **BOYCOTT, COERCION, AND INTIMIDATION.**—Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion, or intimidation resulting in, or tending to result in, unreasonable restraint of, or monopoly in, the business of insurance.

(5) **FALSE STATEMENTS AND ENTRIES.**—

(a) Knowingly filing with any supervisory or other public official, or making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement.

(b) Knowingly making any false entry of a material fact in any book, report, or statement of any person or omitting to make a true entry of any material fact pertaining to the business of such person in any book, report, or statement of such person.

(6) **STOCK OPERATIONS AND ADVISORY BOARD CONTRACTS.**—Issuing or delivering, promising to issue or deliver, or permitting agents, officers or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns or profits as an inducement to insurance.

(7) **UNFAIR DISCRIMINATION.**—

(a) Making or permitting any unfair discrimination between individuals of the same actuarially supportable class and equal expectation of life in the rates charged for any life insurance or annuity contract, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(b) Making or permitting any unfair discrimination between individuals of the same actuarially supportable class and essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of accident, disability or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever.

(8) **REBATES.**—

(a) Except as otherwise expressly provided by law, or in an applicable filing with the department, knowingly permitting, or offering to make, or making any contract or agreement as to such contract other than as plainly expressed in the insurance contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance contract, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance contract or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the insurance contract.

(b) Nothing in subsection (7) or paragraph (a) of this subsection shall be construed as including within the definition of discrimination or rebates any of the following practices:

1. In the case of any contract of life insurance or life annuity, paying bonuses to all policyholders or otherwise abating their premiums in whole or in part out of surplus accumu-

lated from nonparticipating insurance; provided that any such bonuses or abatement of premiums is fair and equitable to all policyholders and for the best interests of the company and its policyholders.

2. In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses.

3. Readjustment of the rate of premium for a group insurance policy based on the loss or expense thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year.

4. Issuance of life insurance policies or annuity contracts at rates less than the usual rates of premiums for such policies or contracts, as group insurance or employee insurance as defined in this code.

5. Issuing life or disability insurance policies on a salary savings, bank draft, preauthorized check or payroll deduction plan or other similar plan at a reduced rate reasonably related to the savings made by the use of such plan.

(c)1. No title insurer or any member, employee, attorney, agent, or solicitor thereof, shall pay, allow, or give or offer to pay, allow, or give, directly or indirectly, as inducement to title insurance, or after such insurance has been effected, any rebate, or abatement of the charge made incident to the issuance of such insurance, or any special favor or advantage or any monetary consideration or inducement whatever. The words "charge made incident to the issuance of such insurance" shall be construed to encompass underwriting premium, agent's commission, abstracting charges, title examination fee, and closing charges; provided nothing herein contained shall preclude an abatement in an attorney fee charged for services rendered incident to the issuance of such insurance.

2. Nothing in this paragraph shall be construed as prohibiting the payment of fees to attorneys at law duly licensed to practice law in the courts of this state, for professional services in the actual examination of title to real property as a condition to the issuance of title insurance, or as prohibiting the payment of earned commissions to duly appointed agents who actually issue the policy of title insurance for the underwriting company.

3. No insured named in a policy, nor any other person directly or indirectly connected with the transaction involving the issuance of said policy, including, but not limited to, mortgage broker, real estate broker, builder or attorney, nor any employee, agent, representative or solicitor thereof, nor any other person whatsoever, shall knowingly receive or accept, directly or indirectly, any such rebate or abatement of said charge, or any monetary consideration or inducement, other than as set forth in subparagraph 2.

(9) **UNFAIR CLAIM SETTLEMENT PRACTICES.**—

(a) Attempting to settle claims on the basis of an application when serving as a binder or intended to become a part of the policy or any other material document which was altered without notice to, or knowledge or consent of the insured; or

(b) A material misrepresentation made to an insured or any other person having an interest in the proceeds payable under such contract or policy, for the purpose and with the intent of effecting settlement of such claims, loss or damage under such contract or policy on less favorable terms than those provided in and contemplated by such contract or policy; or

(c) Committing or performing with such frequency as to indicate a general business practice any of the following:

1. Failing to adopt and implement standards for the proper investigation of claims; or

2. Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue; or

3. Failing to acknowledge and act promptly upon communications with respect to claims; or

4. Refusing to pay claims without conducting a reasonable investigation based upon available information; or

5. Failing to affirm or deny coverage of claims upon written request of the insured within a reasonable time after proof of loss statements have been completed; or

6. Failing to promptly provide a reasonable explanation in writing to the insured of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(10) **FAILURE TO MAINTAIN COMPLAINT HANDLING PROCEDURES.**—Failure of any person to maintain a complete record of all the complaints received since the date of the last examination. For purposes of this subsection, "complaint" means any written communication primarily expressing a grievance.

(11) **MISREPRESENTATION IN INSURANCE APPLICATIONS.**—

(a) Making false or fraudulent statements or representations on or relative to an application for an insurance policy for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual.

(b) Any agent, solicitor, examining physician, applicant or other person who knowingly makes any false and fraudulent statement or representation in or with reference to any application or negotiation for insurance, in addition to any other penalty provided in this act, shall upon conviction be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) **"TWISTING."**—Making any misleading representations or incomplete or fraudulent comparisons of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, convert any insurance policy or to take out a policy of insurance in another insurer.

(13) **ADVERTISING GIFTS PERMITTED.**—No provision of subsections (6), (7) or (8) shall be deemed to prohibit a licensed insurer or its agent from giving to insureds, prospective insureds, and to others, for the purpose of advertising, any article of merchandise having a value of not more than \$10.

(14) **FREE INSURANCE PROHIBITED.**—

(a) Advertising, offering, or providing free insurance as an inducement to the purchase or sale of real or personal property, or of services directly or indirectly connected with such real or personal property.

(b) For the purposes of this subsection, "free" insurance is insurance for which no identifiable and additional charge is made to the purchaser of such real property or personal property or services, or insurance for which an identifiable or additional charge is made in an amount less than the cost of such insurance as to the seller or other person, other than the insurer, providing the same.

(c) Paragraphs (a) and (b) do not apply to:

1. Insurance of loss of or damage to the real or personal property involved in any such sale or services, under a policy covering the interests therein of the seller or vendor; or

2. Blanket disability insurance as defined in section 627.659 of this code; or

3. Credit life insurance or credit disability insurance; or

4. Any individual, isolated, nonrecurring unadvertised transaction not in the regular course of business;

5. Title insurance.

6. Any purchase agreement involving the purchase of a cemetery lot or lots wherein, under stated conditions, any balance due is forgiven upon the death of the purchaser.

(d) Using the word "free" to describe life or disability insurance in connection with the advertising or offering for sale of any kind of goods, merchandise, or services.

(15) **ILLEGAL DEALINGS IN PREMIUMS; EXCESS OR REDUCED CHARGES FOR INSURANCE.**—

(a) Knowingly collecting any sum as premium or charge for insurance, which insurance is not then provided or is not in due course to be provided (subject to acceptance of the risk by the insurer) by an insurance policy issued by an insurer as permitted by this code.

(b) Knowingly collecting as premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the department; or, in cases where classifications, premiums, or rates are not required by this code to be so filed and approved, such premiums and charges shall not be in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VI of this chapter, of the amount of applicable state and federal taxes in addition to the premium required by the insurer.

(c) Imposing or requesting an additional premium for automobile liability insurance or refusing to renew the policy, solely because the insured was involved in an automobile accident, unless the applicant's or insured's insurer has incurred a loss under the insured's policy, other than with respect to uninsured motorist coverage, arising out of the accident, or unless the insurer's file shall contain sufficient proof of fault, or other criteria, to justify the additional charge or refusal to renew. An insurer which imposes and collects such a surcharge shall, in conjunction with the notice of premium due, notify the named insured that he is entitled to reimbursement of such amount under the conditions listed below, and shall subsequently reimburse him, if the named insured demonstrates that the operator involved in the accident was:

1. Lawfully parked; or

2. Reimbursed by, or on behalf of, a person responsible for the accident or has judgment against such person; or

3. Struck in the rear by another vehicle headed in the same direction and has not been convicted of a moving traffic violation in connection with the accident; or

4. Hit by a "hit-and-run" driver if the accident is reported to the proper authorities within 24 hours after discovering the accident; or

5. Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation; or

6. Finally adjudicated not to be liable by a court of competent jurisdiction; or

7. Received a traffic citation which was dismissed or nolle prosequi.

(d) Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge of cancellation.

(e) This subsection does not apply to life or disability insurance.

(f) No insurer shall impose or request an additional premium for motor vehicle insurance or cancel a policy or refuse to renew a policy solely because the insured is a handicapped or physically disabled person.

(g) No insurer may cancel or otherwise terminate any insurance contract or require execution of a consent to rate endorsement during the stated policy term for the purpose of offering to issue or issuing a similar or identical contract to the same insured at a higher premium rate, or continuing an existing contract at an increased premium.

(16) **INSURANCE COST SPECIFIED IN "PRICE PACKAGE".**—

(a) Where the premium or charge for insurance of or involving such property or merchandise is included in the overall purchase price or financing of the purchase of merchandise or property, the vendor or lender shall separately state and identify the amount charged and to be paid for the insurance, and the classifications, if any, upon which based; and the inclusion or exclusion of the cost of insurance in such purchase price or financing shall not increase, reduce, or otherwise affect any other factor involved in the cost of the merchandise, property or financing as to the purchaser or borrower.

(b) This subsection does not apply to transactions which are subject to the provisions of part I of chapter 520 entitled "the motor vehicle sales finance act".

(c) This subsection does not apply to credit life or credit disability insurance which is in compliance with section 627.681 (2).

(17) CERTAIN INSURANCE TRANSACTIONS THROUGH CREDIT CARD FACILITIES PROHIBITED.—

(a) Except as provided in part VIII of chapter 627, no person shall knowingly solicit or negotiate any insurance, seek or accept applications for insurance, issue or deliver any policy, or receive, collect, or transmit premiums, to or for any insurer, or otherwise transact insurance in this state, or relative to a subject of insurance resident, located or to be performed in this state, through the arrangement or facilities of a credit card facility or organization, for the purpose of insuring credit card holders or prospective credit card holders. "Credit card holders" as used in this subsection means any person who may pay the charge for purchases or other transactions through the credit card facility or organization, and whose credit with such facility or organization is evidenced by a credit card, identifying such person as being one whose charges the credit card facility or organization will pay, and who is identified as such upon the credit card either by name, account number, symbol, insignia, or any other method or device of identification.

(b) Whenever any person does or performs in this state any of the acts set forth in paragraph (a) for or on behalf of any insurer therein referred to, such insurer shall be held to be doing business in this state and shall be subject to the same taxes, state, county, and municipal, as insurers that have been legally qualified and admitted to do business in this state by agents or otherwise are subject, the same to be assessed and collected against such insurers; and such persons so doing or performing any of such acts shall be personally liable for all such taxes.

(c) Paragraph (a) of this subsection does not apply as to disability or health insurance as defined in s. 624.603.

(18) INTERLOCKING OWNERSHIP AND MANAGEMENT.—

(a) Any insurer may retain, invest in, or acquire the whole or any part of the capital stock of any other insurer or insurers, or have a common management with any other insurer or insurers, unless such retention, investment, acquisition, or common management is inconsistent with any other provision of this code, or unless by reason thereof the business of such insurers with the public is conducted in a manner which substantially lessens competition generally in the insurance business.

(b) Any person otherwise qualified may be a director of two (2) or more insurers which are competitors, unless the effect thereof is to lessen substantially competition between insurers generally or tends materially to create a monopoly.

(19) PROHIBITED ARRANGEMENTS AS TO FUNERALS.—

(a) No life insurer shall designate in any life insurance policy the person to conduct the funeral of the insured, or organize, promote, or operate any enterprise or plan to enter into any contract with any insured under which the freedom of choice in the open market of the person having the legal right to such choice, is restricted as to purchases, arrangements, and conduct of a funeral service or any part thereof for any individuals insured by the insurer.

(b) No insurer shall contract or agree to furnish funeral merchandise or services in connection with the burial of any person upon the death of any person insured by such insurer.

(c) No insurer shall contract or agree with any funeral director or undertaker to the effect that such funeral director or undertaker shall conduct the funeral of any person insured by such insurer.

(d) No insurer shall provide, in any insurance contract covering the life of any person in this state, for the payment of the proceeds or benefits thereof in other than legal tender of the United States and of this state, or for the withholding of such proceeds or benefits, or for the purpose of either directly or indirectly providing, inducing, or in furtherance of any

arrangement or agreement designed to require or induce the employment of a particular person to conduct the funeral of the insured.

(20) CERTAIN LIFE INSURANCE RELATIONS WITH FUNERAL DIRECTORS PROHIBITED.—

(a) No life insurer shall permit any funeral director or undertaker to act as its representative, adjuster, claim agent, special claim agent or agent for such insurer in soliciting, negotiating, or effecting contracts of life insurance on any plan or of any nature issued by such insurer or in collecting premiums for holders of any such contracts.

(b) No life insurer shall affix, or permit to be affixed, advertising matter of any kind or character of any funeral director or undertaker to such policies of insurance, or circulate or permit to be circulated any such advertising matter with such insurance policies, or attempt in any manner or form to influence policyholders of the insurer to employ the services of any particular funeral director or undertaker.

(c) No such insurer shall maintain an office or place of business, or permit its agent to maintain an office or place of business, in the office, establishment or place of business of any funeral director or undertaker in this state.

(21) FALSE CLAIMS; OBTAINING OR RETAINING MONEY DISHONESTLY.—

(a) Any agent, physician, claimant, or other person who causes to be presented to any insurer a false claim for payment, knowing the same to be false; or

(b) Any agent, solicitor, collector, or other person who shall represent any insurer, or collect or do business without the authority of the insurer, or secure cash advances by false statements, or shall fail to turn over when required, or satisfactorily account for, all collections of such insurer shall, in addition to the other penalties provided in this act, be guilty of a misdemeanor of the second degree, and upon conviction thereof shall be subject to the penalties provided by s. 775.082, s. 775.083, or s. 775.084.

(22) PROPOSAL REQUIRED.—If a person simultaneously holds a securities license and a life insurance license, he shall prepare and leave with each prospective buyer a written proposal, on or before delivery of any investment plan. "Investment plan" means a mutual funds program, and the proposal shall consist of a prospectus describing the investment feature and a full illustration of any life insurance feature. The proposal shall be prepared in duplicate, dated and signed by the licensee. The original shall be left with the prospect and the duplicate shall be retained by the licensee for a period of not less than 3 years and a copy shall be furnished to the department upon its request. In lieu of a duplicate copy, a receipt for standardized proposals filed with the department may be obtained and held by the licensee.

(23) SOLICITING OR ACCEPTING NEW OR RENEWAL INSURANCE RISKS BY INSOLVENT INSURER PROHIBITED; PENALTY.—

(a) Whether or not delinquency proceedings as to the insurer have been or are to be initiated, and while such insolvency exists, no director or officer of an insurer, except with the written permission of the Department of Insurance shall authorize or permit the insurer to solicit or accept new or renewal insurance risks in this state after such director or officer knew, or reasonably should have known, that the insurer was insolvent.

(b) Any such director or officer, upon conviction of violation of this subsection, shall be guilty of a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084.

(24) REFUSAL TO INSURE.—In addition to other provisions of this code, the refusal to insure or continue to insure any individual or risk solely because of:

(a) Race, color, creed, marital status, sex, or national origin; or

(b) The residence, age, or lawful occupation of the individual or the location of the risk, unless there is a reasonable relationship between the residence, age or lawful occupation of the individual or the location of the risk and the coverage issued or to be issued; or

(c) The insured's or applicant's failure to agree to place collateral business with a particular insurer; or

(d) The fact that the insured or applicant had been previously refused insurance coverage by an insurer, when such refusal to insure or continue to insure for this reason occurs with such frequency as to indicate a general business practice.

626.955 Favored agent or insurer; coercion of debtors.—

(1) No person may:

(a) Require, as a condition precedent or condition subsequent to the lending of money or extension of credit or any renewal thereof, that the person to whom such money or credit is extended or whose obligation the creditor is to acquire or finance, negotiate any policy or contract of insurance through a particular insurer or group of insurers or agent or broker or group of agents or brokers.

(b) Unreasonably disapprove the insurance policy provided by a borrower for the protection of the property securing the credit or lien.

(c) Require, directly or indirectly, that any borrower, mortgagor, purchaser, insurer, broker, or agent pay a separate charge, in connection with the handling of any insurance policy required as security for a loan on real estate, or pay a separate charge to substitute the insurance policy of one insurer for that of another.

(d) Use or disclose information resulting from a requirement that a borrower, mortgagor, or purchaser furnish insurance of any kind on real property being conveyed or used as collateral security to a loan, when such information is to the advantage of the mortgagee, vendor, or lender, or is to the detriment of the borrower, mortgagor, purchaser, insurer, or the agent or broker complying with such a requirement.

(2)(a) Paragraph (c) of subsection (1) does not include the interest which may be charged on premium loans or premium advancements in accordance with the security instrument.

(b) For purposes of paragraph (b) of subsection (1), such disapproval shall be deemed unreasonable if it is not based solely on reasonable standards, uniformly applied, relating to the extent of coverage required by such lender or person extending credit and the financial soundness and the services of an insurer. Such standards shall not discriminate against any particular type of insurer, nor shall such standards call for the disapproval of an insurance policy because such policy contains coverage in addition to that required.

(c) The department may investigate the affairs of any person to whom this section applies to determine whether such person has violated this section. If a violation of this section is found, the person in violation shall be subject to the same procedures and penalties as provided in sections 626.957, 626.958, 626.959, and 626.960.

626.956 Power of department.—The department shall have power to examine and investigate the affairs of every person involved in the business of insurance in this state in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by s. 626.953.

626.957 Defined and undefined practices; hearings, witnesses, appearances, production of books and service of process.—

(1) Whenever the department has reason to believe that any person has engaged or is engaging in this state in any unfair method of competition or any unfair or deceptive act or practice whether or not defined in s. 626.954 or s. 626.955 or is engaging in the business of insurance without being properly licensed as required by this code and that a proceeding by it in respect thereto would be to the interest of the public, it shall conduct or cause to have conducted a hearing in accordance with chapter 120.

(2) The department or a duly empowered hearing officer shall have those powers enumerated in s. 120.58 during the conduct of such hearing; however, the penalties for failure to comply with a subpoena or with an order directing discovery shall be limited to a fine not to exceed \$1000 per violation.

(3) Statements of charges, notices and orders under this act may be served by anyone duly authorized by the department, either in the manner provided by law for service of

process in civil actions, or by certifying and mailing a copy thereof to the person affected by such statement, notice, order, or other process at his or its residence or principal office or place of business. The verified return by the person so serving such statement, notice, order, or other process, setting forth the manner of the service, shall be proof of the same, and the return postcard receipt for such statement, notice, order or other process, certified and mailed as aforesaid, shall be proof of service of the same.

626.958 Cease and desist and penalty orders.—After the hearing provided in s. 626.957, the department shall enter a final order in accordance with s. 120.59. If it is determined that the person charged has engaged in an unfair or deceptive act or practice, or the unlawful transaction of insurance the department shall also issue an order requiring the violator to cease and desist from engaging in such method of competition, act or practice, or the unlawful transaction of insurance. Further, if the act or practice is a violation of s. 626.954 or s. 626.955, the department may at its discretion order any one or more of the following:

(1) Suspension or revocation of the person's certificate of authority, license or eligibility for any certificate of authority or license if he knew or reasonably should have known he was in violation of this act.

(2) Such other relief as may be provided in the insurance code.

626.959 Appeals from the department.—Any person subject to an order of the department under s. 626.958 or s. 626.960 may obtain a review of such order by filing an appeal therefrom in accordance with the provisions and procedures for appeal from the orders of the department in general under s. 624.329 of this code or s. 120.68.

626.960 Penalty for violation of cease and desist orders.—Any person who violates a cease and desist order of the department under s. 626.958 while such order is in effect after notice and hearing as provided in s. 626.957, shall be subject at the discretion of the department to any one or more of the following:

(1) A monetary penalty of not more than \$50,000 as to all matters determined in such hearing.

(2) Suspension or revocation of such person's certificate of authority, license, or eligibility to hold such certificate of authority or license.

(3) Such other relief as may be provided in the insurance code.

626.961 Rules.—The department may, in accordance with chapter 120, promulgate reasonable rules as are necessary or proper to identify specific methods of competition or acts or practices which are prohibited by s. 626.954 and s. 626.955, but the rules shall not enlarge upon or extend the provisions of s. 626.954 and s. 626.955.

626.962 Provisions of part additional to existing law.—The powers vested in the department by this part shall be additional to any other powers to enforce any penalties, fines, or forfeitures authorized by law.

626.963 Civil liability.—The provisions of this part are cumulative to rights under the general civil and common law, and no action of the department shall abrogate such rights to damages or other relief in any court.

626.964 Policyholders, bill of rights.—

(1) The principles expressed in the following statements shall serve as standards to be followed by the department in exercising its powers and duties, in exercising administrative discretion, in dispensing administrative interpretations of the law and in promulgating rules:

(a) Policyholders shall have the right to competitive pricing practices and marketing methods that enable them to determine the best value among comparable policies.

(b) Policyholders shall have the right to obtain comprehensive coverage.

(c) Policyholders shall have the right to insurance advertising and other selling approaches that provide accurate and balanced information on the benefits and limitations of a policy.

(d) Policyholders shall have a right to an insurance company that is financially stable.

(e) Policyholders shall have the right to be serviced by a competent, honest insurance agent or broker.

(f) Policyholders shall have the right to a readable policy.

(g) Policyholders shall have the right to an insurance company that provides an economic delivery of coverage, and that tries to prevent losses.

(h) Policyholders shall have the right to a balanced and positive regulation by the department.

(2) This section shall not be construed as creating a civil cause of action by any individual policyholder against any individual insurer.

Section 17. Section 628.461, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 628.461, F.S., for present text.)

628.461 Acquisition of controlling stock.—

(1) No person shall make a tender offer or exchange offer for 5 percent or more of the outstanding voting securities of a domestic stock insurance company or of a controlling company, enter into any agreement to exchange securities for 5 percent or more of the outstanding voting securities of a domestic stock insurance company or of a controlling company, or otherwise seek to acquire 5 percent or more of the outstanding voting securities of a domestic stock insurance company or of a controlling company, unless:

(a) Such person has filed with the department and sent to such insurer and controlling company a statement as specified in subsection (3) at least 60 days prior to the time any form of tender offer or exchange offer is to be furnished to securityholders, or at least 60 days prior to the proposed date of the acquisition of such securities if no such tender offer or exchange offer is involved; and

(b) The department has approved the proposed offer or acquisition prior to the time any form of tender offer or exchange offer is made to securityholders, or prior to the acquisition of such securities if no such tender offer or exchange offer is involved, and such approval is in effect.

(2) This section shall not apply to any acquisition of voting securities of a domestic stock insurer or of a controlling company by any person who, on July 1, 1976, is the owner of a majority of such voting securities or who, on or after July 1, 1976, becomes the owner of a majority of such voting securities with the approval of the department pursuant to this section.

(3) The statement to be filed with the department and furnished to the insurer and controlling company shall contain the following information, and any such additional information as the department may deem necessary to determine the character, experience, ability, and other qualifications of such person for the protection of the policyholders and shareholders of such insurer, and the public:

(a) The identity of, and the background information specified in subsection (4) on, each natural person by whom, or on whose behalf, the acquisition is to be made, and if the acquisition is to be made by, or on behalf of, a corporation, association, or trust, the identity of, and the background information specified in subsection (4) on, each director, officer, trustee, or other natural person performing duties similar to that of a director, officer, or trustee for the corporation, association, or trust;

(b) The source and amount of the funds or other consideration used, or to be used, in making the acquisition;

(c) Any plans or proposals which such persons may have made to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other major change in its business or corporate structure or management; and any plans or proposals which such persons may have made to liquidate any controlling company of such insurer, to sell its assets or merge or consolidate it with any person, or to make any other major change in its business or corporate structure or management;

(d) The number of shares of such security which such person proposes to acquire, and the terms of the offer or exchange, as the case may be; and

(e) Information as to any contracts, arrangements, or understandings with any party with respect to any securities of such insurer or controlling company, including, but not limited to, information relating to the transfer of any of the securities, option arrangements, puts or calls, or the giving or withholding of proxies, naming the party with whom such contract, arrangements, or understandings have been entered into, and giving the details thereof.

(4) The information as to the background and identity of each person, which information is required to be furnished pursuant to subsection (3)(a), shall include: such person's occupations, positions of employment, and offices held during the past 10 years; the principal business and address of any business, corporation, or other organization in which each such office was held, or in which such occupation or position of employment was carried on; whether such person was, at any time during such 10-year period, convicted of any crime other than a traffic violation; whether such person has been, during such 10-year period, the subject of any proceeding for the revocation of any license and, if so, the nature of such proceeding and the disposition thereof; whether, during such 10-year period, such person has been the subject of any proceeding under the Federal Bankruptcy Act, or whether, during such 10-year period, any corporation, partnership, firm, trust, or association in which such person was a director, officer, trustee, partner, or other official has been subject to any such proceeding, either during the time in which such person was a director, officer, trustee, partner, or other official, or within 12 months thereafter; whether, during such 10-year period, such person has been enjoined, either temporarily or permanently, by a court of competent jurisdiction from violating any federal or state law regulating the business of insurance, securities, or banking, or from carrying out any particular practice or practices in the course of the business of insurance, securities, or banking, together with details as to any such event. Any corporation, association, or trust filing the statement required by this section shall give all required information as is within the knowledge of its directors, trustees, officers, or others performing functions similar to that of a director, officer, or trustee. A copy of the statement, and any amendments thereto, shall be sent by registered mail to the insurer at its principal office within the state and to any controlling company at its principal office. If any material change occurs in the facts set forth in the statement filed with the department and sent to such insurer or controlling company pursuant to this section, an amendment setting forth such changes shall be filed immediately with the department and sent immediately to such insurer and controlling company.

(5) The acquisition of voting securities shall be deemed approved unless the department, within 60 days after the statement required by subsection (1) has been filed, calls a public hearing to consider the matter. The department shall call and hold such public hearing if requested in writing to do so by the insurer or controlling company within such 60-day period, and if not so requested, may call and hold such public hearing in its discretion. If the domestic stock insurer and controlling company files an instrument in writing with the department waiving its right to request a public hearing, the department may, in its discretion, by order shorten the 60-day period and approve the acquisition.

(6) The person or persons filing the statement required by subsection (1) shall have the burden of proof. The department shall approve any such acquisition if it finds, on the basis of the filed statement if there is no public hearing, or on the basis of the record made at a public hearing, that:

(a) Upon completion of the acquisition, the domestic stock insurer would be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(b) The financial condition of the acquiring person will not jeopardize the financial stability of the insurer or prejudice the interests of its policyholders, and will not prejudice the interests of any remaining shareholders who are unaffiliated with the acquiring person;

(c) Any plans or proposals which the acquiring person has made to liquidate the insurer, to sell its assets or to merge or consolidate it with any person, or to make any other major

change in its business or corporate structure or management, or to liquidate any controlling company, to sell its assets or to merge or consolidate it with any person, or to make any major change in its business or corporate structure or management which would have an effect upon the insurer, are fair and free of prejudice to the policyholders and shareholders of the domestic stock insurer;

(d) The competence, experience, and integrity of those persons who would control the operation of the domestic stock insurer indicate that the acquisition is in the best interest of the policyholders and shareholders of such insurer, and in the public interest; and

(e) The natural persons whose backgrounds are required to be furnished pursuant to this section have such backgrounds as to indicate that it is in the best interests of the policyholders and shareholders of the domestic stock insurer, and in the public interest, to permit such persons to exercise control over such domestic stock insurer.

(7) No vote by the stockholder of record, or by any other person, of any security acquired in contravention of the provisions of this section shall be valid. Any acquisition of any security contrary to the provisions of this section shall be void. The Circuit Court for the county in which the principal office of such domestic stock insurer is located, may, without limiting the generality of its authority, upon the petition of the domestic stock insurer or controlling company, order the issuance or entry of an injunction or other order to enforce the provisions of this section. There shall be a private right of action in favor of the domestic stock insurer or controlling company to enforce the provisions of this section. No demand upon the department to perform its functions shall be a prerequisite to any suit by the domestic stock insurer or controlling company against any other person, and in no case shall the department be deemed to be a necessary party to any action by such domestic stock insurer or controlling company to enforce the provisions of this section. Any person who makes or proposes any acquisition requiring the filing of a statement pursuant to this section, or who files such a statement, shall be deemed to have thereby designated the Insurance Commissioner and Treasurer, his assistant, deputy, or other person in charge of his office, as such person's agent for service of process under this section, and shall thereby be deemed to have submitted himself to the administrative jurisdiction of the department and the jurisdiction of the Circuit Court.

(8) No approval of the department under this section shall constitute a recommendation by the department of any acquisition, tender offer, or exchange offer. It shall be unlawful for any person to represent that any such approval constitutes any such recommendation. Any person who violates the provisions of this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The statute of limitations for prosecution of offenses committed under this subsection shall be 5 years.

(9) The department is authorized to adopt, amend, or repeal rules and regulations necessary to implement the provisions of this section, pursuant to chapter 120.

(10) For the purposes of this section, the term "controlling company" means any corporation, trust, or association owning 25 percent or more of the voting securities of one or more domestic stock insurance companies.

Section 18. Subsection (3) of section 48.151, Florida Statutes, is amended to read:

48.151 Service on statutory agents for certain persons.—

(3) The Insurance Commissioner and Treasurer, his assistant, deputy or other person in charge of his office is the agent for service of process on all insurers applying for authority to transact insurance in this state, all licensed nonresident insurance agents, all nonresident disability insurance agents licensed by the Department of Insurance pursuant to s. 626.835, any unauthorized insurer under s. 626.906 or s. 626.937, domestic reciprocal insurers, fraternal benefit societies under chapter 632, automobile inspection and warranty associations and ambulance service associations and persons required to file statements under the provisions of s. 628.461.

Section 19. Sections 626.965, 626.966, 626.967, 626.968, 626.969, 626.971, 626.972, 626.974, 626.975, 626.976, 626.977, 626.978, 626.979, 626.980, 626.981, 626.982, 626.983, 626.984, 626.985, 626.986, and 626.987, Florida Statutes, and section 626.970, Florida Statutes, as amended by chapters 74-225 and 75-279, Laws of Florida, are hereby repealed.

Section 20. Section 768.043, Florida Statutes, is created to read:

768.043 Collateral sources of indemnity.—

(1) In any action for damages for personal injury or wrongful death, whether in tort or in contract, arising out of the rendition of professional services by a health care provider as defined in s. 627.351(8)(i), in which liability is admitted or is determined by the trier of fact and damages are awarded to compensate the claimant for losses sustained, the court shall reduce the amount of such award by the total of all amounts paid or to be paid to the claimant from all collateral sources which are available to him, provided that there shall be no reduction for collateral sources for which a subrogation right is expressly provided by law. Upon a finding of liability and an awarding of damages by the trier of fact, the court shall receive evidence from the claimant and other appropriate persons concerning the total amounts of collateral sources which have been paid or will be paid for the benefit of the claimant or are otherwise available to him. The court shall also take testimony as to any premiums which were paid by the claimant from his personal assets for obtaining any insurance benefits which he is receiving as a result of his injury and shall offset any reduction in the award by the amount of premiums paid for such insurance for the term of coverage during which the injury occurred, together with interest applied to the amount of such premium at the annual percentage rate of 6 percent.

(2) For purposes of this section, "collateral sources" means any payments made or to be made to the claimant or on his behalf by or pursuant to:

(a) The United States Social Security Act, any federal, state, or local income disability act, or any other public programs, providing medical expenses, disability payments, or other benefits.

(b) Any health, sickness, or income disability insurance, automobile accident insurance that provides health benefits or income disability coverage, and any other insurance benefits available to the claimant, whether purchased by him or provided by others.

(c) Any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the costs of hospital, medical, dental or other health care services.

(d) Any contractual or voluntary wage continuation plan provided by employers or any other system intended to provide wages during a period of disability.

(3) In the event that the fees for legal services provided to the claimant are based on a percentage of the amount of money awarded to the claimant, such percentage shall be based on the net amount of the award as reduced by the amounts of collateral sources and as increased by insurance premiums paid.

(4) Unless otherwise expressly provided by law, no insurer or any other party providing collateral source benefits as defined in subsection (2) shall be entitled to recover the amounts of any such benefits from the defendant or any other person or entity and no right of subrogation or assignment of rights of recovery shall exist.

Section 21. Subsection (1) of section 768.134, Florida Statutes, is amended to read:

768.134 Civil medical malpractice actions; procedures; admissibility of evidence.—

(1) In the event any party rejects the decision of the Medical Liability Mediation Panel, the claimant may institute litigation based on the claim in the appropriate court. The party rejecting the decision of the mediation panel shall be liable for court costs and reasonable attorney's fees of the other party in the event the court sustains the findings of the panel. Furthermore, in any civil medical action, the trial on the merits shall be conducted without any reference to insurance, insurance coverage, or joinder of the insurer as a co-defendant in the suit.

Section 22. Voluntary immunization programs; limitations on liability.—The legislature recognizes the risks of sickness or death which are inherent in existing swine flu vaccines and it is the intent of this section to absolve health care providers from incurring liability based on inoculations of these

vaccines provided such inoculations are performed in a proper manner. Any health care provider as defined in s. 627.351, who participates without compensation in any immunization program which is designed to inoculate the public with a swine flu vaccine, and any other future inoculation program which may be needed from time to time to ensure the public health, which is approved by an appropriate agency of the United States government shall not be liable in any civil action arising out of any such inoculation if such inoculation was carried out in keeping with an accepted standard of care as provided in section 15 of this act.

Section 23. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 24. This act shall take effect January 1, 1977. The changes effected by this act shall not apply to any action filed prior to such date.

Amendment 2—In the title, strike the title and insert the following: A bill to be entitled An act relating to personal claims and insurance therefor; creating "The Insurance, Health and Claims Reform Act of 1976," generally revising and amending provisions with respect thereto; amending s. 627.352 (5), Florida Statutes, as created by chapter 75-9, Laws of Florida, to extend the life of the Medical Liability Insurance Commission; amending s. 395.18(1), Florida Statutes, relating to hospitals and the internal risk-management program; amending s. 627.351(8), Florida Statutes, relating to health care and the insurance risk apportionment plan; amending s. 627.353, Florida Statutes, relating to the limitation of a health care provider's liability and the patient's compensation fund; amending s. 768.133(1)(a), Florida Statutes, relating to podiatry and medical liability mediation panels; amending s. 627.355 (1), Florida Statutes, relating to medical malpractice insurance; amending s. 627.683, Florida Statutes, relating to direct payment for hospital and medical services, and itemized statements with respect thereto; creating ss. 627.6440 through 627.6448, Florida Statutes, to create the "Qualified Healthcare Plan Law"; requiring health insurers to make such plans available; providing specific provisions and requirements with respect to the benefits and administration of such plans; adding subsection (5) to s. 627.662 and subsections (5) and (6) to s. 627.657, Florida Statutes, to provide for applicability to group, blanket and franchise disability insurance; amending s. 627.410(1) and adding subsection (6) to s. 627.411, Florida Statutes, relating to group insurance policies and the delivery thereof inside or outside the state; amending ss. 458.01 and 458.02, Florida Statutes, relating to powers, duties and membership of the Board of Medical Examiners; creating s. 768.065, Florida Statutes, relating to medical negligence, standards of recovery with respect thereto and related requirements and procedures; amending ss. 626.951 through 626.964, Florida Statutes, to revise part VII of chapter 626, Florida Statutes, relating to unfair trade practices; providing definitions; prohibiting misrepresentations and false advertising of insurance policies; prohibiting false information and false advertising generally as well as defamatory material and filing of false financial statements and entries; prohibiting agreements aimed at boycott, coercion, and intimidation; prohibiting issuance or delivery of stock as an inducement for insurance; prohibiting certain kinds of unfair discrimination in trade matters; prohibiting certain rebates with regard to insurance contracts; prohibiting certain defined unfair claim settlement practices; prohibiting the failure of an insurance company to maintain certain complaint handling procedures; prohibiting the refusal of certain risks; prohibiting misrepresentation in insurance contracts; prohibiting certain misleading representations and comparisons; permitting certain advertising gifts; prohibiting free insurance; prohibiting excess or reduced premium charges or increasing premium during policy term; providing for statement of insurance costs included in an overall purchase price or financing; prohibiting certain insurance transactions through credit card facilities; prohibiting certain interlocking ownership and management; prohibiting certain arrangements with regard to funerals and funeral directors; prohibiting false claims; requiring written proposals for investment plans; prohibiting certain activities with regard to insolvent insurers; prohibiting coercion of persons borrowing money to purchase specific insurance policies; providing that the department of insurance may charge any person with unfair trade practices

whether defined or not; providing procedures for hearings under this act; providing for powers of the department with respect to unfair trade practices; providing for judicial review of certain actions; providing penalties; providing standards to be followed by the department of insurance; amending s. 628.461, Florida Statutes, relating to acquisition of controlling stock; providing for a statement to be filed with the Department of Insurance and to be furnished to the insurance company at least 60 days prior to the proposed date of the acquisition or the furnishing of tender offer or exchange offer to security holders; providing that approval of the department under this section shall not constitute a recommendation by the department of any acquisition, giving jurisdiction to the circuit court and giving it certain enforcement powers; providing the department power to promulgate rules and regulations to administer this section; amending s. 48.151(3), Florida Statutes, providing that the Insurance Commissioner and Treasurer, his assistant, deputy or other person in charge of his office is the agent for service of process with respect to certain persons, corporations or other entities; repealing sections 626.965-626.972, Florida Statutes, as amended, and sections 626.974-626.987, Florida Statutes, relating to trade practices and frauds; creating s. 768.043, Florida Statutes, relating to collateral sources of indemnity, providing for the reduction of awards under certain circumstances, and making provision relating to fees for legal services and subrogation; providing an effective date.

On motions by Senator MacKay, the Senate refused to concur in House amendments 1 and 2 to CS for SB 586, and the House was requested to recede therefrom and in the event the House refused to recede, a conference committee was requested. The action, with the bill and amendments, was certified to the House.

The President announced the appointment of Senators Brantley, D. Lane, MacKay and P. Thomas as conferees on CS for SB 586.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has reconsidered passage and concurrence in Senate amendment, and has amended and concurred in Senate amendment 1 as amended, and passed as further amended—

By the Committee on Governmental Operations and Representatives Hector and Hutto—

HB 4034—A bill to be entitled An act relating to administrative procedures; amending s. 120.72(2), Florida Statutes, clarifying the transitional provisions for actions begun prior to January 1, 1975; providing for reinstatement of cases dismissed under certain conditions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1 to Senate Amendment 1—On page 1, line 28, after "seeking" insert: judicial review of

On motion by Senator Ware, the Senate concurred in House Amendment 1 to Senate Amendment 1 to HB 4034.

HB 4034 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—27

| | | | |
|-----------------|-----------|-------------|--------|
| Brantley | Henderson | Saylor | Trask |
| Childers, D. | Johnston | Scarborough | Vogt |
| Childers, W. D. | Lane, D. | Sims | Ware |
| Firestone | Lewis | Spicola | Wilson |
| Gallen | MacKay | Stolzenburg | Winn |
| Glisson | Poston | Thomas, P. | Zinkil |
| Graham | Renick | Tobiassen | |

Nays—None

Vote after roll call:

Yea—Hair

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By Senator Johnston—

SB 1015—A bill to be entitled An act relating to freshwater fish; requiring the tagging of fish taken from or caught in certain lakes as a condition precedent to sale for consumption; authorizing the assessment of a tag fee by the Game and Fresh Water Fish Commission; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 9, insert:

(2) No freshwater game fish shall be taken from a lake in this state the area of which is 500 square miles or less other than with pole and line, rod and reel, plug, bob, spinner, spoon, or other artificial bait or lure.

(3) No freshwater game fish taken from a lake in this state the area of which is 500 square miles or less shall be offered for sale or sold.

(Renumber subsequent subsection.)

On motion by Senator Johnston, the Senate concurred in the House amendment.

On motion by Senator Johnston, the Senate reconsidered the vote by which SB 1015 as amended, contained in the above message, passed on May 28.

Senator Johnston moved the following title amendment which was adopted:

Amendment 1—On page 1, line 9, after "commission;" insert: restricting the method of taking freshwater game fish in lakes of under 500 square miles; prohibiting the sale of freshwater game fish taken from a lake of less than 500 square miles;

SB 1015 was read by title as further amended, passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—21

| | | | |
|-----------------|----------|-------------|-------|
| Brantley | Holloway | Saylor | Trask |
| Childers, D. | Johnston | Scarborough | Vogt |
| Childers, W. D. | Lewis | Sims | Winn |
| Firestone | MacKay | Stolzenburg | |
| Glisson | McClain | Thomas, P. | |
| Graham | Poston | Tobiassen | |

Nays—4

| | | | |
|-----------|----------|------|--------|
| Henderson | Lane, D. | Ware | Wilson |
|-----------|----------|------|--------|

Vote after roll call:

Yea—Spicola

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 2, has amended Senate Amendment 1, concurred in same as amended and passed HB 1052, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hawkins—

HB 1052—A bill to be entitled An act relating to holidays; recognizing Patriots' Day on the nineteenth day of April as one of great historical significance and encouraging its commemoration; providing an effective date.

House Amendment to Senate Amendment 1—On page 1, line 13, after the word "Day" insert: (i) If any of these holidays fall on Saturday the preceeding Friday shall be observed as a holiday; or if any of these holidays fall on Sunday, the following Monday shall be observed as a holiday.

On motion by Senator Henderson, the Senate concurred in the House amendment to Senate Amendment 1 to HB 1052.

HB 1052 passed as further amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

| | | | |
|-----------------|-----------|-------------|--------|
| Brantley | Hair | McClain | Trask |
| Childers, D. | Henderson | Poston | Vogt |
| Childers, W. D. | Holloway | Scarborough | Ware |
| Deeb | Johnston | Sims | Wilson |
| Firestone | Lane, D. | Spicola | Winn |
| Gallen | Lane, J. | Stolzenburg | |
| Glisson | Lewis | Thomas, P. | |
| Graham | MacKay | Tobiassen | |

Nays—None

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3996 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representatives McKnight and Hazelton—

HB 3996—A bill to be entitled An act relating to offender rehabilitation and parole; providing a short title; providing definitions; providing legislative intent; providing for a pilot program whereby the terms of institutional confinement, a guaranteed parole date, the terms of parole supervision, and release from parole are agreed to by the Department of Offender Rehabilitation, the Parole and Probation Commission, and an offender; providing for contents of such agreements; providing for approval, rejection, and renegotiation of such agreements; providing for certain rules; providing for reports of offender progress; providing for submission of annual evaluations of the program to the Legislature; requiring the adoption of certain rules by a specified date; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 4242 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Johnson and others—

HCR 4242—A concurrent resolution commending the Honorable James Andrew Haley for his public service to the State of Florida and the citizens of the Eighth Congressional District.

—was read the first time in full. On motions by Senator Henderson, by two-thirds vote HCR 4242 was placed on the calendar and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Hair | McClain | Thomas, P. |
| Childers, D. | Henderson | Poston | Tobiassen |
| Childers, W. D. | Holloway | Renick | Trask |
| Deeb | Johnston | Saylor | Vogt |
| Firestone | Lane, D. | Scarborough | Ware |
| Gallen | Lane, J. | Sims | Wilson |
| Glisson | Lewis | Spicola | Winn |
| Graham | MacKay | Stolzenburg | Zinkil |

Nays—None

Vote after roll call:

Yea—Dunn

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2666 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Eckhart and Margolis—

HB 2666—A bill to be entitled An act relating to the real estate license law; creating s. 475.452, Florida Statutes, providing that it is unlawful for any real estate agent or broker to contract for or collect any advance fee from any principal without depositing the fee in a trust account; requiring reports of expenditures of advance fees; requiring the return of funds within a specified time; authorizing the Florida Real Estate Commission to promulgate rules dealing with accounting with respect to advance fees; requiring agents and brokers to comply with such accounting procedures; providing a penalty; authorizing principals to collect treble damages with respect to advance fees which are unlawfully dealt with; providing an effective date.

—was read the first time by title. On motion by Senator Poston, the rules were waived and the bill was placed on the calendar.

On motion by Senator Poston, by unanimous consent HB 2666 was taken up out of order. On motions by Senator Poston, by two-thirds vote HB 2666 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

| | | | |
|--------------|-----------|-------------|-----------|
| Brantley | Henderson | Poston | Tobiassen |
| Childers, D. | Holloway | Renick | Trask |
| Dunn | Johnston | Saunders | Vogt |
| Firestone | Lane, D. | Sayler | Ware |
| Gallen | Lane, J. | Sims | Wilson |
| Glisson | Lewis | Spicola | Winn |
| Graham | MacKay | Stolzenburg | Zinkil |
| Hair | McClain | Thomas, P. | |

Nays—None

Vote after roll call:

Nay—Childers, W. D.

SPECIAL ORDER

CS for HB's 2825, 3042, 3043, 3044 & 3155—A bill to be entitled An act relating to liability and insurance therefor; amending s. 324.021(7), Florida Statutes; changing the financial responsibility limits and providing for a deductible; amending s. 324.051(2), Florida Statutes, changing the property damage operative amount in the financial responsibility law; amending s. 627.727(1), Florida Statutes; requiring that insurers offer the same uninsured motorist limits to insureds that they offer for bodily injury liability coverage to give insureds flexibility in choosing the limits they desire; amending s. 627.731, Florida Statutes; requiring personal injury protection benefits; amending s. 627.736(1), (2), (3), (4), (6) and (7), Florida Statutes; requiring personal injury protection benefits; deleting funeral benefits; providing for reasonable and customary medical benefits; changing benefits for loss of earning; providing for the tolling of the 30-day personal injury protection benefit payment period under certain conditions; providing that no insurer paying personal injury protection benefits shall have a lien on recoveries in tort; providing that a claimant in any tort claim for which personal injury protection benefits have been paid shall have no right to recover in tort any damages for personal injury protection benefits paid; providing for jury instructions relating to said damages; deleting language relating to equitable distribution and insurer actions; providing that a sworn statement relating to treatment, services, and costs be provided the insurer by a physician, hospital, clinic or other medical institution; providing that no cause of action for invasion of privacy or violation of the physician-patient privilege shall be due to compliance with

the discovery provisions of said section; providing that notice to an insurer of the existence of a claim shall not be unreasonably withheld by an insured; providing for the withholding of personal injury protection benefits when an insured unreasonably refuses to submit to a medical examination upon the request of an insurer; amending s. 627.737, Florida Statutes; providing for an exemption from tort liability for general damages because of bodily injury arising out of the ownership, operation, maintenance or use of a motor vehicle unless the bodily injury, sickness or disease is scientifically or objectively demonstrable by recognized medical techniques; deleting language relating to the tort exemption and limitation on right to damages; amending s. 627.739, Florida Statutes, relating to deductibles for personal injury protection benefits; specifying minimum bodily injury limits and providing for a deductible relating thereto; providing for minimum property damage liability limits; creating s. 627.7375, Florida Statutes; prohibiting fraud or intent to commit fraud to violate part X of chapter 627, Florida Statutes; providing penalties; creating s. 626.989, Florida Statutes; establishing a Division of Fraudulent Claims within the Department of Insurance; creating s. 627.4132, Florida Statutes; prohibiting stacking of coverages; creating s. 627.7376, Florida Statutes; mandating the development by the Department of Insurance and use by insurers of a uniform basic policy providing coverage for claims arising out of the use of motor vehicles and mandating a form to implement simplified selection by insureds of options and costs thereof relating to such coverage; creating s. 627.7377, Florida Statutes; providing for property damage deductibles from \$100 to \$500 relating to coverage on an insured's motor vehicle; creating s. 627.7262, Florida Statutes, prohibiting joinder of an insurer; creating s. 768.135, Florida Statutes, providing for the introduction into evidence of collateral sources of indemnity and costs therefor; repealing s. 325.19(7), Florida Statutes, relating to proof of insurance; repealing ss. 627.733, 627.734 and 627.735, Florida Statutes, relating to compulsory insurance; repealing s. 627.738, Florida Statutes, relating to tort liability for property damage; repealing s. 627.740, Florida Statutes, relating to tort claims; repealing s. 627.741(2), Florida Statutes, relating to compliance with ss. 627.730-627.741, Florida Statutes, by insurers; providing for severability; providing an effective date.

—was read the second time by title.

Senator MacKay moved the following amendments which were adopted:

Amendment 1—On page 4, line 11, strike everything after the enacting clause and insert: Section 1. Section 627.4131, Florida Statutes, is created to read:

627.4131 Non-joinder of insurers.—The Legislature hereby mandates that no-joinder clauses in liability insurance policies are part of the prevailing public policy of this state; therefore, in a suit by an injured person against an insured person, the liability insurer shall not be joined as a party.

Section 2. Section 627.4132, Florida Statutes, is created to read:

627.4132 Contents of policies; stacking of coverages prohibited.—At the option of the insured, if an insured or named insured is protected by any type of motor vehicle insurance policy for liability, uninsured motorist, medical payments or personal injury protection coverage, the policy may provide that the insured or named insured is protected only to the extent of the coverage he has on the vehicle involved in the accident; provided that if none of the insured's or named insured's vehicles is involved in the accident, coverage may at the option of the insured be made available only to the extent of coverage on any one of the vehicles with applicable coverage. Coverage on any other vehicles shall not be added to or stacked upon that coverage unless at the option of the insured an additional premium is charged for such additional coverage. This section shall not apply to reduce the coverage available by reason of insurance policies insuring different named insureds.

Section 3. Subsection (1) of section 627.727, Florida Statutes, is amended to read:

627.727 Automobile liability insurance; uninsured vehicle coverage; insolvent insurer protection.—No automobile liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless cover-

age is provided therein or supplemental thereto in not less than the limits of the liability insurance purchased by the named insured for bodily injury, or such lower limits complying with the company's rating plan as may be selected by the named insured, under provisions filed with and approved by the department, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; provided, however, that the coverage required under this section shall not be applicable when, or to the extent that, any insured named in the policy shall reject the coverage; and provided further, that when a vehicle is leased for a period of 1 year or longer and the lessor of such vehicle by the terms of the lease contract provides liability coverage on the leased vehicle in a policy wherein the lessee is a named insured or on a certificate of a master policy issued to the lessor, the lessee of such vehicle shall have the sole privilege to reject uninsured motorist coverage. Unless the named insured, or lessee having the privilege of rejecting uninsured motorist coverage, requests such coverage in writing, the coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer. The coverage provided under this section shall be excess over but shall not duplicate the benefits available to an insured under any workmen's compensation law, disability benefits law, or any similar law; under any automobile liability or automobile medical expense coverages; or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident. *Coverage under this section shall be subject to the tort exemption and limitation on right to damages prescribed in section 627.737, provided that such exemption and limitation shall not apply to any action in tort against the uninsured motorist.* Such coverage shall not inure directly or indirectly to the benefit of any workmen's compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workmen's compensation or disability benefits law or any similar law.

Section 4. Subsections (1)(b) and (3) of section 627.736, Florida Statutes, is amended to read:

(Substantial rewording of sections)

See s. 627.736(3), F.S., for present text.

627.736 Required personal injury protection benefits.—

(1) **REQUIRED BENEFITS.**—Every insurance policy complying with the security requirements of s. 627.733 shall provide personal injury protection providing for payment of all reasonable expenses incurred for necessary medical, surgical, x-ray, dental, and rehabilitative services, including prosthetic devices; necessary ambulance, hospital, nursing services; and funeral and disability benefits to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle, and other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a motor vehicle or motorcycle, all as specifically provided in subsections (2) and (4)(d), to a limit of five thousand dollars for loss sustained by any such person as a result of bodily injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle as follows:

(b) ~~Sixty—One hundred percent of any loss of gross income and loss of earning capacity per individual, unless such benefits are deemed not includable in gross income for federal income tax purposes, in which event such benefits shall be limited to 85 percent from inability to work proximately caused by the injury sustained by the injured person plus all expenses reasonably incurred in obtaining from others ordinary and necessary services in lieu of those that, but for the injury, the injured person would have performed without income for the benefit of his household. All disability benefits payable under this provision shall be paid not less than every two weeks.~~

(3) **INSURED'S RIGHTS TO RECOVERY OF SPECIAL DAMAGES IN TORT CLAIMS.**—No insurer shall have a lien on any recovery in tort by judgment, settlement or otherwise, for personal injury protection benefits, whether suit has been filed or settlement has been reached without suit. An injured party or his legal representative who is entitled to bring suit under the provisions of s. 627.737 shall have no right to recover any damages for which personal injury protection benefits are

paid or payable. The plaintiff may prove all of his special damages notwithstanding this limitation, but if special damages are introduced in evidence, the trier of facts, whether judge or jury, shall not award damages for personal injury protection benefits paid or payable. In all cases in which a jury is required to fix damages, the court shall instruct the jury that the plaintiff shall not recover such special damages for personal injury protection benefits paid or payable.

Section 5. Subsection (2) of section 627.737, Florida Statutes, is amended to read:

627.737 Tort exemption; limitation on right to damages.—

(2) In any action of tort brought against the owner, registrant, operator, or occupant of a motor vehicle with respect to which security has been provided as required by ss. 627.730-627.741, or against any person or organization legally responsible for his acts or omissions, a plaintiff may recover damages in tort for pain, suffering, mental anguish, and inconvenience because of bodily injury, sickness, or disease arising out of the ownership, maintenance, operation, or use of such motor vehicle only in the event that the benefits which are payable for such injury under s. 627.736(1)(a), *but including only those costs incurred for actual medical treatment including ambulance services and exclusive of diagnostic x-rays, other diagnostic procedures, physical therapy, psychiatric or psychological treatment, and consulting examinations, whether such costs are included in the daily hospital room rate or separately identified and billed, or which would be payable but for any exclusion or deductible authorized by ss. 627.730-627.741 exceed \$3,500 \$1,000* or the injury or disease consists in whole or in part of serious and irreparable permanent disfigurement, ~~a fracture to a weight bearing bone, a compound, comminuted, displaced or compressed fracture,~~ loss of a body member, serious and permanent injury within reasonable medical probability, permanent loss of a bodily function, or death. *Serious and permanent injury shall include only those injuries that are both serious and permanent. By "serious" is meant that the injury must have some material degree of bearing on the injured person's ability to resume his normal activities and lifestyle. By "permanent" is meant an injury, the effects of which cannot be eliminated through further medical treatment, including surgery provided that a reasonable refusal to submit to surgery shall not bar or reduce recovery under this section.* Any person who is entitled to receive free medical and surgical benefits shall be deemed in compliance with the requirements of this subsection upon a showing that the medical treatment received has an equivalent value of at least ~~\$3,500~~ *\$1,000*. Any person receiving ordinary and necessary services normally performed by a nurse from a relative or a member of his household shall be entitled to include the reasonable value of such services in meeting the requirements of this subsection.

Section 6. Subsection (3) of section 627.737 is created to read:

627.737 Tort exemption; limitation on right to damages.—

(3) When a defendant, in a proceeding brought pursuant to ss. 627.730-627.741, questions whether the plaintiff has met the requirements of s. 627.737(2), then the defendant may file an appropriate motion with the court and the court shall, by examining the pleadings and the evidence before it, ascertain whether the plaintiff has met the requirements of s. 627.737(2). If the court finds that the requirements of s. 627.737(2) have not been met, then the court shall dismiss the plaintiff's claim without prejudice.

Section 7. Section 627.7375, Florida Statutes, is created to read:

627.7375 Fraud in exceeding tort liability threshold.—

(1) Any insured party or insurer who, with intent, knowingly and willfully conspires to fraudulently meet or exceed the tort liability threshold, as set forth in subsection (2) of s. 627.737, or who, due to fraud on his part, does knowingly and willfully meet or exceed said threshold in order to qualify to file an action in tort to recover damages is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any physician licensed under chapter 458, osteopath licensed under chapter 459, or chiropractor licensed under chapter 460 who knowingly and willfully assists, conspires with, or urges any insured party to fraudulently meet or exceed the threshold for tort liability, as set forth in subsection (2)

of s. 627.737, in order to qualify to file an action in tort to recover damages or who, due to such assistance, conspiracy, or urging by said physician, osteopath, or chiropractor, knowingly and willfully benefits from the proceeds derived from the use of fraud in meeting or exceeding said threshold is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In the event that a physician, osteopath, or chiropractor is adjudicated guilty of a violation of this section, the State Board of Medical Examiners as set forth in chapter 458, the State Board of Osteopathic Medical Examiners as set forth in chapter 459, or the Florida State Board of Chiropractic Examiners as set forth in chapter 460, whichever is appropriate, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopath, or chiropractor.

(3) Any attorney who knowingly and willfully assists, conspires with, or urges any claimant to fraudulently meet or exceed the threshold for tort liability, as set forth in subsection (2) of s. 627.737, in order to qualify to file an action in tort to recover damages or who, due to such assistance, conspiracy, or urging on his part, knowingly and willfully benefits from the proceeds derived from the use of fraud in meeting or exceeding said threshold is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) No person or governmental unit licensed under chapter 395 to maintain or operate a hospital, and no administrator or employee of any such hospital, shall knowingly and willfully allow the use of the facilities of said hospital by an insured party in a scheme or conspiracy to fraudulently meet or exceed the threshold for tort liability, as set forth in subsection (2) of s. 627.737. Any hospital administrator or employee who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any adjudication of guilt for a violation of this section, or the use of business practices demonstrating a pattern indicating that the spirit of the law regarding said threshold is not being followed, shall be grounds for suspension or revocation of the license to operate the hospital or the imposition of an administrative penalty of up to \$5,000 by the licensing agency as set forth in chapter 395.

Section 8. Section 768.043, Florida Statutes, is created to read:

768.043 Collateral sources of indemnity.—

(1) In any action for personal injury or wrongful death, the plaintiff or his legal representative may seek to recover, in addition to other damages recoverable by law, damages for the cost of medical care, custodial care or rehabilitative services, loss of earnings, or other economic loss not paid or payable from personal injury protection benefits; provided that any defendant may introduce evidence that any such cost or expense has been or will be replaced or indemnified in whole or in part from any collateral source pursuant to the United States Social Security Act, any state or federal income disability act, any health, sickness, or income-disability insurance, accident insurance providing health benefits or income-disability coverage, or any contract or agreement with any group, organization, partnership, corporation or agency of federal, state, or local government. This section shall not apply to life insurance benefits, death disability benefits, workmen's compensation benefits, or any other collateral source of indemnity expressly excluded from evidence by statute. When the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to any insurance benefits concerning which the defendant has introduced evidence and may establish in the evidence the extent to which subrogation rights exist.

(2) Unless otherwise expressly provided by law, a collateral source of indemnity described in subsection (1) shall not be subrogated to the rights of the plaintiff against a defendant.

Section 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 10. Section 627.738, Florida Statutes, and section 627.740, Florida Statutes, are hereby repealed.

Section 11. Within 60 days after July 1, 1977, and every twelve months thereafter, the Department of Insurance shall

review automobile insurance rates pursuant to the provisions of ss. 627.730-627.741, and shall mandate a reduction in rates if such a reduction is determined actuarially sound by the Department.

Section 12. This act shall take effect January 1, 1977, and shall apply to all cases filed after that date.

Amendment 2—On page 1, line 3, strike the entire title and insert: A bill to be entitled An act relating to insurance; creating s. 627.4131, Florida Statutes; prohibiting the joinder of a liability insurer in a suit by an injured person against an insured person; creating s. 627.4132, Florida Statutes; authorizes insurance policy to prohibit stacking of motor vehicle liability insurance coverages; amending s. 627.727(1), Florida Statutes; providing that the tort exemption and limitation on damages shall apply to uninsured motorist claims; amending s. 627.736(1)(b), (3), Florida Statutes; decreasing required disability benefits; providing for an insured's rights to recovery of special damages in tort claim; providing that no insurer paying personal injury protection benefits shall have a lien on recoveries in tort whether or not suit has been filed; providing a claimant in any tort claim for which personal injury protection benefits have been paid shall have no right to recover in tort for any damages for personal injury protection benefits paid; providing that a plaintiff will be permitted to prove all of his special damages, but if such damages are introduced into evidence, the trier of fact shall not be permitted to award damages for personal injury protection benefits paid or payable; providing that proper jury instructions shall be given in jury trials; amending s. 627.737(2), Florida Statutes; providing that certain costs not be considered in calculating the medical expenses threshold; increasing the medical expenses threshold; deleting the threshold based on certain bone fractures; requiring that other allowable thresholds to sue in tort be serious and permanent; creating s. 627.737(3), Florida Statutes; providing for dismissal of suit not meeting threshold; creating s. 627.7375, Florida Statutes; prohibiting the use of fraud, or a conspiracy to use fraud, to exceed the threshold for tort liability with respect to certain claims, by any insured, insurer, physician, osteopath, chiropractor, attorney, hospital administrator or employee, hospital licensee, or hospital; providing for appropriate administrative action against, and penalties for, such persons; providing criminal penalties; creating s. 768.043, Florida Statutes; providing that in any personal injury or wrongful death action, the defendant may introduce evidence of certain collateral sources of indemnity; providing that such collateral sources of indemnity shall not be subrogated to the rights of the plaintiff against the defendant; repealing s. 627.738, Florida Statutes, which provides for full or basic coverage for accidental property damage to motor vehicle; repealing s. 627.740, Florida Statutes, which provides that the rights of residents to claim damage in tort, when involved in motor vehicle accidents with persons not required to provide security, shall not be diminished; requiring the Department of Insurance to review automobile insurance rates annually and to order a reduction in rates if such reduction is actuarially sound; providing an effective date.

WHEREAS, increasing costs of automobile repair and medical care, rising inflation, judicial interpretations of the present no-fault law, and many other factors have resulted in an increase in automobile liability insurance rates, and

WHEREAS, the unfavorable insurance climate presently existing in this state has caused the insolvency of several automobile liability insurers and caused others to effect wholesale policy cancellations, the results of which have had an escalating effect on rates, and

WHEREAS, the Florida Supreme Court, in *Shingleton v. Bussey*, 223 So.2d 713 (1969), held that the public policy of this state would not permit "no joinder" clauses in liability insurance policies resulting in the joinder of insurance companies in suits between an injured party and an insured, and, in *Hoffman v. Jones*, 280 So.2d 431 (1973), replaced contributory negligence with comparative negligence allowing a person 95 percent negligent to sue for damages when under contributory negligence such person would have been barred from suit, and, in *Tucker v. GEICO*, 288 So.2d 238 (1973), permitted the stacking of uninsured motorist coverages when more than one automobile is insured on the same policy resulting in this state having the highest uninsured motorists' rates in the country, and such decisions have resulted in increased automobile insurance rates, and

WHEREAS, the Florida Supreme Court, in *Kluger v. White*, 281 So.2d 1 (1973) and *Lasky v. State Farm Insurance Co.*, 296 So.2d 9 (1974), has held that the property damage threshold and certain portions of the tort threshold relating to bone fractures are unconstitutional, and

WHEREAS, considerable judicial confusion and conflict presently exists concerning a no-fault insurer's rights of reimbursement and indemnity from the proceeds of a tort recovery, and

WHEREAS, the present limitation on the right to sue for damages is not accomplishing the intended result of eliminating minor or frivolous claims, thereby defeating an intended benefit of the initial no-fault concept and resulting in increased rates, and

WHEREAS, the Legislature has mandated that a person owning and operating a motor vehicle in this state must be financially responsible for injuries to persons or property caused by the operation of such motor vehicle, and

WHEREAS, the increasing cost of automobile liability insurance is forcing an increasing number of persons to become uninsured motorists in violation of the law, and

WHEREAS, the Legislature has the responsibility under its police power to ensure that automobile liability insurance remains available to the citizens of this state at a reasonable cost, NOW THEREFORE,

On motion by Senator MacKay, by two-thirds vote CS for HB's 2825, 3042, 3043, 3044 and 3155 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—27

| | | | |
|--------------|-----------|-------------|------------|
| Barron | Henderson | Poston | Thomas, P. |
| Childers, D. | Holloway | Renick | Tobiassen |
| Deeb | Lane, D. | Saunders | Trask |
| Firestone | Lewis | Saylor | Vogt |
| Gallen | MacKay | Scarborough | Winn |
| Graham | McClain | Sims | Zinkil |
| Hair | Myers | Stolzenburg | |

Nays—5

| | | | |
|----------|---------|------|--------|
| Dunn | Spicola | Ware | Wilson |
| Johnston | | | |

Votes after roll call:

Yeas—Childers, W. D., Glisson

Consideration of SB 895 was deferred.

HB 944 (cs)—A bill to be entitled An act relating to security; amending s. 20.22(2)(g) and (h), Florida Statutes, 1974 Supplement, and adding paragraph (i) to said subsection; establishing the Division of Security of the Department of General Services; creating part IV of chapter 287, Florida Statutes; providing powers and duties of the Division of Security; providing for employment of security agents, guards, and other personnel; limiting investigations; providing for arrests; providing for ex officio security agents; authorizing contracts with local governments or licensed private security agencies; providing for equipment; providing a penalty; requiring bonding of officers and agents; providing for the adoption of rules relating to traffic regulation; transferring personnel and equipment of the legislative security force and the security guards of the Division of Building Construction and Property Management of the Department of General Services to the division; repealing ss. 272.13, 272.14, and 272.15, Florida Statutes, relating to the security of the capitol center area; adding subsection (4) to s. 943.04, Florida Statutes, 1974 Supplement; providing for additional duties of the Division of Law Enforcement of the Department of Criminal Law Enforcement; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 944 (cs) was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

| | | | |
|--------------|-----------|-------------|-------------|
| Childers, D. | Henderson | Myers | Stolzenburg |
| Deeb | Holloway | Poston | Thomas, P. |
| Dunn | Johnston | Renick | Tobiassen |
| Firestone | Lane, D. | Saunders | Ware |
| Gallen | Lewis | Scarborough | Wilson |
| Graham | MacKay | Sims | Winn |
| Hair | McClain | Spicola | Zinkil |

Nays—None

Votes after roll call:

Yeas—Childers, W. D., Glisson, Trask and Vogt

On motion by Senator Poston, the rules were waived and by two-thirds vote HB 1381 was withdrawn from the Committee on Commerce and placed on the calendar.

SB 23 was taken up and on motion by Senator Poston—

HB 1381—A bill to be entitled An act relating to maximum speed limits; amending ss. 316.181(2), 316.182(2) and 316.183(2)(a), (b), (c) and (d), Florida Statutes, establishing a maximum speed limit of 55 miles per hour; providing an effective date.

—a companion measure was substituted therefor and read the second time by title.

The -Committee on Transportation offered the following amendments which were moved by Senator Poston and adopted:

Amendment 1—On page 1, strike lines 22-25 and insert: Section 2. Subsections (1) and (2) of section 316.182, Florida Statutes, are amended to read:

316.182 Establishment of municipal and county speed zones.—

(1) **MUNICIPAL SPEED.**—The maximum speed within any municipality is 30 miles per hour in the daytime or nighttime. However, a municipality may set speed zones altering such speed, both as to maximum *not to exceed 55 miles per hour* and minimum, after investigation determines such a change is reasonable and in conformity to criteria promulgated by the Department of Transportation, except that no changes shall be made on state highways or connecting links or extensions thereof, which shall be changed only by the Department of Transportation.

Amendment 2—On page 2, strike lines 7-31 and insert: Section 3. Subsection (2) of section 316.183, Florida Statutes, is amended to read:

(substantial rewording of subsection. See s. 316.183(2), F.S., for present text)

316.183 Unlawful speed.—

(2)(a) On all streets or highways, the maximum speed limits for all vehicles shall be 30 miles per hour in business or residential districts, and 55 miles per hour at any time at all other locations; provided, however, that the minimum speed limit on all highways, which comprise a part of the national system of interstate and defense highways and having not less than four lanes, shall be 40 miles per hour.

Section 4. This act shall take effect July 1, 1976.

Amendment 3—On page 3, strike lines 1-31

Amendment 4—On page 1 in title, strike lines 5-6 and insert: amending ss. 316.181(2), 316.182(1), (2), and 316.183(2), Florida

Senator Holloway moved the following amendments which were adopted:

Amendment 5—On page 3 insert: Section 4. Subsection (1) of section 316.217, Florida Statutes, is amended to read:

316.217 When lighted lamps are required.—

(Substantial rewording of subsection. See section 316.217, F.S., for present text.)

(1) Every vehicle operated upon a highway within this state shall display lighted lamps and illuminating devices as herein respectively required for different classes of vehicles subject to exceptions with respect to parked vehicles under the following conditions:

(a) At any time from sunset to sunrise;

(b) During any time when, due to rain, smoke, fog, insufficient light, unfavorable atmospheric conditions, the visibility is reduced to a degree whereby persons or vehicles are not clearly discernible at a distance of 1,000 feet ahead.

(c) Stop lights, turn signals and other signaling devices shall be lighted as prescribed for use of such devices.

(Renumber subsequent section)

Amendment 6—On page 1, strike all of line 4 and insert: An act relating to traffic control; amending section 316.217(1), Florida Statutes; providing for when lighted lamps and illuminating devices are required;

Further consideration of HB 1381 as amended was deferred.

SB 925 was taken up, together with:

By the Committee on Judiciary-Criminal and Senator Hair—

CS for SB 925—A bill to be entitled An act relating to probation; amending ss. 945.30, 948.01(5), (6), Florida Statutes; requiring probationers to pay a specified amount for supervision and rehabilitation provided by the Salvation Army or court approved public or private entities; deleting the time specified for any person on parole to begin contributing to the cost of his supervision and rehabilitation; authorizing a defendant to be placed under the custody of the Salvation Army or other public or private entity; requiring the court to include the requirement to pay such specified amount in its order placing a defendant on probation; providing an effective date.

—which was read the first time by title and SB 925 was laid on the table.

On motions by Senator Hair, by two-thirds vote CS for SB 925 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

| | | | |
|--------------|-----------|-------------|-------------|
| Childers, D. | Hair | McClain | Stolzenburg |
| Deeb | Henderson | Myers | Thomas, P. |
| Dunn | Holloway | Poston | Tobiassen |
| Firestone | Johnston | Renick | Ware |
| Gallen | Lane, D. | Saunders | Wilson |
| Glisson | Lewis | Scarborough | Winn |
| Graham | MacKay | Spicola | Zinkil |

Nays—None

Votes after roll call:

Yeas—Childers, W. D., Trask and Vogt

Consideration of SB 1346 was deferred.

SB 527—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, Florida Statutes, to provide that the employer pay the entire contribution with respect to each justice or judge who is a member of the Elected State Officers' Class; giving a justice or judge who is not a member of such class the right, for a limited period, to transfer to such class; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendments which were moved by Senator Gallen and adopted:

Amendment 1—On page 5, line 22, insert: (between "Judge," and "or") *State Attorney*

Amendment 2—On page 5, lines 23-26, strike all of said lines and insert: *an amount equal to 12 percent of such member's gross compensation and shall withhold 4 percent of such member's gross compensation, the sum of which shall constitute the entire contribution with respect to such member. The employer shall withhold one-half*

Amendment 3—On page 4, lines 3 and 4, strike all of said lines and insert: *(e) Any member who is*

Amendment 4—On page 1 in title, lines 7, 8 and 9, strike "justice or judge" and insert: justice, judge, or state attorney

Amendment 5—On page 1 in title, lines 6-9, strike all of said lines and insert: to provide that the employer pay three-fourths of the contribution with respect to each justice or judge who is a member of the Elected State Officers' Class; giving a justice or judge who

Amendment 6—On page 1 in title, lines 7 and 8, strike "or state attorney" and insert: state attorney, or public defender (and between lines 5 and 6) to provide that Public Defenders may elect to participate in the Elected State Officers' Class

Amendment 7 to the amended title—On page 1, line 9, strike "a justice, judge, state attorney or public defender" and insert: any member who is eligible to be a member of the Elected State Officers' Class

Senator Gallen moved that the rules be waived and SB 527 be read the third time by title. The motion was adopted by two-thirds vote. The vote was:

Yeas—22

| | | | |
|-----------|----------|---------|------------|
| Brantley | Holloway | McClain | Thomas, J. |
| Dunn | Johnston | Myers | Trask |
| Firestone | Lane, D. | Poston | Ware |
| Gallen | Lane, J. | Renick | Zinkil |
| Hair | Lewis | Sayler | |
| Henderson | MacKay | Spicola | |

Nays—9

| | | | |
|--------------|-------------|------------|--------|
| Childers, D. | Scarborough | Thomas, P. | Wilson |
| Deeb | Sims | Vogt | |
| Glisson | Stolzenburg | | |

SB 527 as amended was read the third time by title.

Senators Trask, Wilson and Dunn offered the following amendments which were moved by Senator Trask and adopted by two-thirds vote:

Amendment 8—On page 5, line 22, insert after "state attorney": Public Defender

Amendment 9—On page 2, line 8, insert following "State Attorney": , Public Defender

Amendment 10 was ruled out of order.

Senator Glisson moved the following amendment which failed:

Amendment 11—On page 8, line 14, strike "1976" and insert: 1977

SB 527, as amended, was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25

| | | | |
|-----------|-----------|-------------|------------|
| Brantley | Henderson | McClain | Thomas, J. |
| Deeb | Holloway | Myers | Trask |
| Dunn | Johnston | Plante | Ware |
| Firestone | Lane, D. | Poston | Winn |
| Gallen | Lane, J. | Sayler | |
| Graham | Lewis | Scarborough | |
| Hair | MacKay | Spicola | |

Nays—10

| | | | |
|--------------|-------------|------------|--------|
| Childers, D. | Saunders | Thomas, P. | Wilson |
| Glisson | Sims | Tobiassen | |
| Renick | Stolzenburg | Vogt | |

Vote after roll call:

Yea—Childers, W. D.

On motion by Senator Brantley, the Senate proceeded to the consideration of—

LOCAL CALENDAR

HB 2535—A bill to be entitled An act relating to Franklin County; providing for the acquisition, construction, erection, building, enlarging, and improving of school buildings, and the furnishing and equipping of school buildings of the District School Board of Franklin County; authorizing the issuance of certificates of indebtedness payable from the portion of racetrack funds and jai alai fronton funds accruing annually to Franklin County, and allocated to such board, to pay the cost of such projects; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 2535 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 2536—A bill to be entitled An act relating to Franklin County; providing for the allocation of racetrack funds and jai alai fronton funds received by Franklin County pursuant to chapters 550 and 551, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 2536 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 2553—A bill to be entitled An act relating to Charlotte County; prohibiting the use of trawl nets exceeding 25 feet in width for the taking of shrimp in Charlotte Harbor and certain inland areas of Charlotte County; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 2553 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 2585—A bill to be entitled An act relating to Monroe County; repealing chapter 72-619, Laws of Florida, as amended, abolishing the Monroe County Waste Collection and Disposal District; transferring all duties and functions of the district to the Board of County Commissioners of Monroe County; authorizing the board to vest such duties and functions in the Monroe County Municipal Service District; transferring title to property of the district to the county; providing for the assumption of district debts by the county; transferring ordinances and resolutions of the district and validating acts and preserving vested rights; designating the board as successor to the district; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 2585 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 2619—A bill to be entitled An act relating to Hamilton County; repealing chapter 69-1091, Laws of Florida, to remove provisions which authorize the board of county commissioners to make direct purchases not exceeding \$1,000 without first soliciting bids; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 2619 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 2956—A bill to be entitled An act relating to the City of Perry, Taylor County; amending section 4 of article 2 of chapter 5359, Laws of Florida, 1903, as amended, providing for the compensation and election of the mayor; amending section 14 of article 3 of chapter 5359, Laws of Florida, 1903, as amended, providing for the composition and election of the city council; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 2956 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 2958—A bill to be entitled An act relating to Manatee County; amending section 5 of chapter 75-434, Laws of Florida, providing that the local government study commission of Manatee County shall file the plan or plans on or before June 1, 1977, extending the terms of membership; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 2958 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 2985—A bill to be entitled An act relating to the Palmetto Fire Control District, Manatee County; amending section 7, chapter 63-1593, Laws of Florida as amended, relating to special assessments and charges; increasing the maximum assessment which may be levied against a business firm to \$154; increasing the maximum assessment which may be levied against taxable real estate used as trailer rental space to \$20; increasing the maximum assessment which may be levied against each dwelling to \$20; providing for a maximum assessment of \$20 per living unit in a duplex, triplex, condominium, apartment building and other multifamily dwelling exceeding two stories in height; providing for a maximum assessment of \$15 per living unit in a duplex, triplex, condominium, apartment building, and other multifamily dwelling not exceeding two stories in height; providing for a maximum assessment of 50 cents per acre or fraction thereof per annum on unsubdivided acreage; increasing the maximum assessment which may be levied against a vacant lot to \$1.50; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 2985 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3010—A bill to be entitled An act relating to Charlotte County; amending section 1 of chapter 72-502, Laws of Florida, to allow jury commissioners to succeed themselves; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 3010 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3017—A bill to be entitled An act relating to the City of Bradenton, Manatee County; adding subsection 4. to section 2 of chapter 67-1121, Laws of Florida, and amending sections 7 and 9 of said chapter, defining the term "average compensation" with respect to the Bradenton Firemen's Pension Fund; providing for the normal retirement date of firemen at age 55 with 20 years of credited service; providing a formula for the computation of a fireman's normal retirement benefit; amending subsection 2. of section 5 and section 10 of chapter 67-1121, Laws of Florida, as amended, increasing the contribution which firemen must pay to the Bradenton Firemen's Pension Fund and altering the City of Bradenton's contribution plan; providing that when a fireman dies prior to retirement, his beneficiary shall receive his accumulated contributions; providing that no death benefit shall be payable upon the death of a retiree except where the retiree has already selected an optional form of retirement benefit providing for such a contingency; providing for the vesting of retirement benefits after 10 years of credited service and providing for optional forms of retirement benefits; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 3017 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3026—A bill to be entitled An act relating to the City of Bradenton, Manatee County; amending section 1 of chapter 69-851, Laws of Florida, increasing the percentage of monthly salary contributions of each member of the police department of the City of Bradenton from 5 percent to 5.50 percent; amending section 2(2) thereof, changing the definition of "average compensation" from the last 5 years to the best 5 years of the member's last 10 years; adding section 6A thereof requiring an actuarial study every 3 years; amending section 11 thereof; allowing retirement at age 50, instead of age 55 with full benefits after 20 years of service; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 3026 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|----------|---------|
| Brantley | Glisson | Holloway | MacKay |
| Childers, D. | Gordon | Johnston | McClain |
| Childers, W. D. | Graham | Lane, D. | Myers |
| Dunn | Hair | Lane, J. | Plante |
| Firestone | Henderson | Lewis | Poston |

| | | | |
|-------------|-------------|------------|--------|
| Renick | Sims | Thomas, P. | Ware |
| Saunders | Spicola | Tobiassen | Wilson |
| Sayler | Stolzenburg | Trask | Winn |
| Scarborough | Thomas, J. | Vogt | Zinkil |

Nays—None

HB 3027—A bill to be entitled An act relating to Palm Beach County, Loxahatchee Drainage District, created under chapter 298, Florida Statutes; permitting the district to maintain roadways and roads necessary and convenient to provide access to lands in the district; providing that a quorum at landowners' meetings shall be those present either in person or by proxy; increasing the board of supervisors to five members; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-third vote HB 3027 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3127—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending section 1 of chapter 59-1177, Laws of Florida, as amended, by increasing the territorial limits of the district; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 3127 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3163—A bill to be entitled An act relating to Indian River County, Indian River County Hospital District; amending section 8 of chapter 61-2275, Laws of Florida, as amended, providing for an increase in the amount the trustees and employees of the district may be reimbursed for meals and subsistence; amending subsection (3) of section 12 of chapter 61-2275, Laws of Florida, as amended, to permit the board of trustees to adopt procedures for considering the refusal, revocation, or suspension of staff membership of any person, or suspension or modification of privileges attendant to such membership and specifying the vote required for the board of trustees to refuse, revoke, or suspend staff membership of any person, or suspend or modify privileges which are attendant to such membership; preserving the right of judicial review; amending subsections (1) and (3) of section 13 of chapter 61-2275, Laws of Florida, as amended, providing that the board of trustees may invest the surplus funds of the district and providing an increase in the amount of purchase of supplies, equipment, and materials and leasing of equipment and contracts for construction of building or other improvements which must be submitted for public bid; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3163 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3270—A bill to be entitled An act relating to the District School Board of Palm Beach County; granting to Robert Fulton, a retired superintendent of the school board, compensation for 60 days of unused sick leave; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3270 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3271—A bill to be entitled An act relating to the District School Board of Palm Beach County; amending section 1 of chapter 71-393, Laws of Florida, providing for nonpartisan elections, setting forth a time for holding elections; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3271 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|----------|-------------|-----------|
| Brantley | Holloway | Poston | Tobiassen |
| Childers, D. | Johnston | Renick | Trask |
| Childers, W. D. | Lane, D. | Saunders | Vogt |
| Dunn | Lane, J. | Sayler | Ware |
| Firestone | Lewis | Scarborough | Wilson |
| Glisson | MacKay | Sims | Winn |
| Gordon | McClain | Spicola | Zinkil |
| Graham | Myers | Thomas, J. | |
| Hair | Plante | Thomas, P. | |

Nays—2

Henderson Stolzenburg

HB 3272—A bill to be entitled An act relating to Palm Beach County; amending chapter 70-862, Laws of Florida, as amended, relating to the authority to establish an environmental control board; amending section 3 thereof, relating to definitions; amending section 6 thereof, relating to environmental control officer; amending section 9 thereof, relating to hearing board and organization; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3272 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3274—A bill to be entitled An act relating to Palm Beach County, Fire Control Tax Districts; providing for authority to perform emergency rescue services and stabilization; providing for certification and standards for personnel; providing for liability and consent; providing for funding; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3274 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3276—A bill to be entitled An act relating to Ritta Drainage District, Palm Beach and Hendry Counties; setting the place for the holding of annual meetings of landowners; amending section 2(h) of chapter 22882, Laws of Florida, 1945, relating to the maximum compensation to be paid to supervisors; amending section 6 of chapter 22882, Laws of Florida, 1945, increasing the amount for which contracts may be let without advertising; amending section 7 of chapter 22882, Laws of Florida, 1945, as amended, relating to the levy of taxes upon the land within the district; increasing the maximum amount which the district may pay as interest on borrowed money; authorizing the board to enter into arrangements with other like districts for pooling of expenses of operations; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3276 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3279—A bill to be entitled An act relating to Dixie County; repealing chapter 65-1451, Laws of Florida, authorizing the transfer of all funds held by the Dixie County Water Conservation and Recreation District to the Board of County Commissioners of Dixie County, General Fund; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3279 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3280—A bill to be entitled An act relating to Citrus County; amending section 2 of chapter 59-1177, Laws of Florida, 1959, relating to Homosassa Special Water District; providing for compensation to the commissioners for their services and setting a maximum amount; repealing Chapter 70-630, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 3280 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3281—A bill to be entitled An act relating to Charlotte County; amending section 4(b)(1) of chapter 69-931, Laws of Florida, as amended, relating to Harbour Heights Fire Control District; changing the rate of assessments on residential dwellings or homes; providing for a referendum; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendment which was adopted:

Amendment 1—On page 1, line 26 through 31 and on page 2, line 1 through 13 strike all of Section 2 and insert: Section 2. This act, except for this section which shall take effect upon becoming law, shall take effect January 1, 1977, provided this act is approved by a majority vote of the electors of the Harbour Heights Fire Control District voting in a referendum election which shall be called and held by the board of commissioners of such district within 60 days after this act becomes law. There shall be at least 30 days' notice of the election as provided by s. 100.342, Florida Statutes.

On motion by Senator Henderson, by two-thirds vote HB 3281 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3283—A bill to be entitled An act relating to the Iona-McGregor Fire Protection and Rescue Service District, Lee County; amending sections 3(2) and 6(3) of chapter 75-421, Laws of Florida, changing the date of election of the board of

commissioners, and the method of reimbursement to the Lee County Property Appraiser for assessing taxes; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3283 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3284—A bill to be entitled An act relating to Lee County; providing for the election and terms of members of the Board of Commissioners of the Captiva Erosion Prevention District; amending section 1 of chapter 71-730, Laws of Florida, deleting provisions relating to the appointment of such members; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3284 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3285—A bill to be entitled An act relating to Lee County; repealing chapter 18651, Laws of Florida, 1937, which provides the way and manner of securing a license to sell liquor in Lee County; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3285 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3314—A bill to be entitled An act relating to the Twin County Water Management District, Lee County; repealing chapter 71-731, Laws of Florida, relating to the ratification of the district as it applies to Lee County and taxation and borrowing power; abolishing the Twin County Water Management District; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3314 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3341—A bill to be entitled An act relating to the Jacksonville Electric Authority; amending subsection (7) of Section 7 of Chapter 67-1569, Laws of Florida, as amended; amending the qualifications required of the managing director of the Jacksonville Electric Authority; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 3341 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3342—A bill to be entitled An act relating to the City of Jacksonville; adding subsection (23) to section 19.05 of chapter 67-1320, Laws of Florida, as amended, to exempt certain employees of the Community Education Consortium from civil service provisions of article 19 of chapter 67-1320, Laws of Florida, as amended; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 3342 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3343—A bill to be entitled An act relating to the City of Jacksonville; amending section 1 of chapter 75-406, Laws of Florida, authorizing the City of Jacksonville to make payment of compensation to certain employees of the City of Jacksonville's independent agencies for that period of time commencing with the start of the first pay period in October 1974 until the approval of the amendments to the collective bargaining agreement between the City of Jacksonville and the Jacksonville Public Employees Local Union 1048, American Federation of State, County and Municipal Employees (Professional Bargaining Unit), which amendment was approved by the council of the City of Jacksonville on January 23, 1975; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 3343 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3344—A bill to be entitled An act relating to the City of Jacksonville; conferring the right to continue membership in the 1937 Employees Pension Fund for employees of the City of Jacksonville, Chapter 18610, Laws of Florida, Special Acts of 1937, as amended, upon Harry E. Vansickel and Marcus L. Ledford despite the reclassification of their job positions which requires them to be members of the 1937 Police and Fire Pension Fund for the City of Jacksonville, Chapter 18615, Laws of Florida, Special Acts of 1937, as amended; providing for retroactivity; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 3344 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3345—A bill to be entitled An act relating to the Jacksonville Electric Authority; amending section 3 of chapter 75-407, Laws of Florida, entitled "An act relating to the Jacksonville Electric Authority; amending subsection (2) of section 10 of chapter 67-1569, Laws of Florida, as amended, to exempt from bid provisions the procurement of supplies, materials, and services when reasonably procurable only through negotiation, and to permit the procurement of materials and supplies from electric utilities provided the purchase price is less than the most recent contract price of the authority; amending section 5 of chapter 74-516, Laws of Florida, entitled 'An act relating to the Jacksonville Electric Authority; amending chapter 67-1569, Laws of Florida, as amended; providing for notice of and public hearing on the fixing of rates by the authority; authorizing contracts not to exceed a twenty (20) year term for the procurement of fuel but requiring prior approval of the council of the city for certain contracts; amending the contracting and purchasing procedures of the authority to permit acceptance of multiple low bids and dissimilar low bids under certain conditions; exempting from bid provisions the procurement of fuel when reasonably procurable only through negotiation; exempting from bid provisions products and services necessary for nuclear powered generation facilities; exempting from bid provisions the procurement of fuel in the spot market; requiring approval of the purchases under bid exemptions by the chief purchasing officer of the City of Jacksonville; providing a termination for the amendments to the contracting and purchasing procedures of the authority; providing an effective date, by extending provisions as contained in chapter 74-516, Laws of Florida, due to expire October 1, 1975 to October 1, 1976; providing for additions to bidding exemptions; providing a termination for said additions to bidding exemptions; providing an effective date." and amending section 5 of chapter 74-516, Laws of Florida, entitled as aforesaid, by extending provisions, as contained in chapters 75-407 and 74-516, Laws of Florida, as amended, due to expire October 1, 1976 to October 1, 1977; providing a termination for the amendments to chapter 67-1569, Laws of Florida, as amended, effected by chapter 75-407 and 74-516, Laws of Florida, as amended; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendment which was adopted:

Amendment 1—On page 3, line 3, strike "Sections 2 and 4" and insert: "Sections 2 and 3"

On motion by Senator Hair, by two-thirds vote HB 3345 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3379—A bill to be entitled An act relating to the Indian River Mosquito Control District; amending chapter 24600, Laws of Florida, 1947, as amended, authorizing the board of commissioners to distribute adulticiding chemicals to property owners; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 3379 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3391—A bill to be entitled An act relating to Sarasota County, Pinecraft Lighting District; amending subsection (3) of section 3 of chapter 71-911, Laws of Florida, as amended; providing for the election of the commissioners of the district at the second primary election rather than at the general election; deleting provisions relating to the appointment of a commissioner to fill a vacancy for the remainder of an unexpired term; requiring successful candidates to take office 2 weeks after their election; providing a schedule for the expiration of terms of current office holder; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 3391 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3418—A bill to be entitled An act relating to St. Lucie County; providing for the apportionment and distribution among and to the Board of County Commissioners of St. Lucie County, the District School Board of St. Lucie County, and the

District Board of Trustees of Indian River Community College, Fort Pierce, of all moneys received by St. Lucie County under provisions of Chapter 14832, Laws of Florida, 1931, or any amendment or amendments thereto, or other laws providing for revenue from licensed racetracks in this state; providing that said moneys shall be paid by the State Treasurer on separate warrants drawn by the Comptroller payable to said Boards; restricting the use and disbursements of the moneys received; amending Chapter 67-1996, Laws of Florida, to authorize the District School Board of St. Lucie County to pledge to the payment of certificates of indebtedness issued pursuant to Chapter 67-1996, Laws of Florida, the proceeds received by the School Board from racetrack funds accruing annually to St. Lucie County and allocated to the School Board pursuant to Chapters 550 and 551, Florida Statutes, Chapter 59-978, Laws of Florida; repealing Chapters 74-600 and 75-497, Laws of Florida; repealing all laws or parts of laws in conflict herewith; confirming all prior apportionments and distributions made pursuant to Chapter 74-600, Laws of Florida; and providing an effective date.

—was read the second time by title.

Senator Lewis moved the following amendment which was adopted:

Amendment 1—On page 4, line 7, strike "Section 9. This Act shall take effect June 1, 1976." and insert: Section 9. This Act shall take effect upon becoming a law.

On motion by Senator Lewis, by two-thirds vote HB 3418 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3444—A bill to be entitled An act relating to the fire control districts of Orange County; repealing chapters 67-1821 and 59-1651, Laws of Florida, as amended, relating to the creation, establishment, and maintenance of fire control districts in parts of Orange County, and the inspection and regulation of fire hazards by said fire control districts in Orange County, so as to abolish such districts; providing for the continued obligation and authority to provide fire protection to the areas in such fire control districts and other unincorporated areas of Orange County, by the Board of County Commissioners of Orange County, by ordinance establishing and creating county-wide fire protection; providing for the transfer of assets and liabilities of said fire control districts; providing for a referendum; providing an effective date.

—was read the second time by title.

Senator Plante moved the following amendments which were adopted:

Amendment 1—On page 4, line 7, between the words "act" and "shall" insert: , except for this section which shall take effect upon becoming a law,

Amendment 2—On page 1 in title, line 19, after the semicolon insert: authorizing the levy of a tax for fire protection purposes;

On motion by Senator Sims, by two-thirds vote HB 3444 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3445—A bill to be entitled An act relating to fire control districts of Orange County; amending section 10 (4) of Chapter 67-1821, Laws of Florida, as amended, providing for additional authority for collection of charge against house trailers; amending section 13(4) of chapter 67-1821, Laws of Florida, increasing \$1500 to \$5000 of expenditures to be approved by both the Fire Control Commissioners and County Commissioners; amending section 14 of chapter 67-1821, Laws of Florida, as amended, clarifying and expanding the authority of the fire control commissioners board by permitting it to request participation by fire control districts in county insurance plans; establishing a central training facility; establishing a central office and staff; setting forth the manner of payment therefor by the districts involved; providing an effective date.

—was read the second time by title.

Senator Plante moved the following amendments which were adopted:

Amendment 1—On page 1, strike lines 26 through 28 and insert: Section 1. Subsection (4) of section 10 of chapter 67-1821, Laws of Florida, as amended by chapter 69-1380, Laws of Florida, chapter 71-805, Laws of Florida, and chapter 75-460, Laws of Florida, is amended to read:

Amendment 2—On page 1 in title, line 6, after the word "amended," insert: increasing the maximum charge which may be assessed in lieu of a millage and

On motion by Senator Sims, by two-thirds vote HB 3445 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3446—A bill to be entitled An act relating to Orange County; repealing chapter 57-1632, Laws of Florida, which relates to hours during which certain county offices are closed; repealing chapter 21444, Laws of Florida, 1941, which relates to retirement and pensions for certain employees; repealing chapter 27331, Laws of Florida, 1951, which requires the Clerk of the Circuit Court of said county to act as agent for the state comptroller in certain circumstances and for the state Trustees of the Internal Improvement Fund in certain circumstances; repealing chapter 67-1823, Laws of Florida, which requires certain charitable organizations to file a copy of certain registration statements annually with the Clerk of the Circuit Court; repealing chapter 70-456, Laws of Florida, which permits the payments of fees to the Clerk of the Circuit Court by check; repealing chapter 69-1381, Laws of Florida, which requires municipal electors to register with the county supervisor of elections; repealing chapter 26459, Laws of Florida, 1949, which provides the use of voting machines for all county elections; repealing chapter 21437, Laws of Florida, 1941, which authorizes the Board of County Commissioners to redistrict county commission districts; repealing chapter 10993, Laws of Florida, 1925, as amended which authorizes the levy of a special

tax for publicity purposes; repealing chapter 26070, Laws of Florida, 1949, which authorizes said board to properly police and safeguard the highways; repealing chapter 65-1996, Laws of Florida, which provides that no vehicle except law enforcement vehicles shall display, illuminate, or use blue lights; repealing chapter 61-2586, Laws of Florida, which provides for the regulation of bicycle traffic; providing an effective date.

—was read the second time by title. On motion by Senator Sims, by two-thirds vote HB 3446 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3447—A bill to be entitled An act relating to utility bonding in Orange County; amending sections 2, 4, and 5 of chapter 71-804, Laws of Florida, to provide for a definition of water system and to provide that water systems are included within the provisions of chapter 71-804; providing an effective date.

—was read the second time by title. On motion by Senator Sims, by two-thirds vote HB 3447 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3448—A bill to be entitled An act relating to Orange County; adding section 17A to chapter 59-1657, Laws of Florida, relating to the creation and incorporation of the North Orange Memorial Hospital Tax District, Orange County, providing the power to the Board of Trustees of said tax district to use the funds of the tax district for health related activities or services in the tax district; describing certain health related activities or services; providing that no taxes be levied in the future to provide funds for the use provided for in this amendment; providing an effective date.

—was read the second time by title. On motion by Senator Sims, by two-thirds vote HB 3448 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3449—A bill to be entitled An act relating to the City of Orlando, Orange County; amending provisions relating to the

pension fund for the police department and fire department of said city; amending section 3 of chapter 22414, Laws of Florida, 1943, as amended, providing for qualifications for employment and retirement under said act; amending section 1 of chapter 31086, Laws of Florida, 1955, as amended, providing for continuity of benefits in said fund by making regular contributions into the fund while absent from duty for specified reasons; providing for the reinstatement of pension benefits where members of the Orlando Police Department Pension Fund have severed their employment with said department and subsequently been rehired; providing for the acceptance in lump sum of prior withdrawn pension fund contributions together with interest thereon as a prerequisite for reinstatement in the pension program; providing for the acceptance of any moneys necessary to cover pension contributions which would have been required for those currently permanent members of the Orlando Police Department pension fund who were hired on a full-time temporary status until such time as they were able to attain permanent status; providing the reemployed persons may not receive both pension benefits and a salary; repealing section 19 of chapter 22414, Laws of Florida, 1943, relating to a police department age limitation; providing an effective date.

—was read the second time by title. On motion by Senator Sims, by two-thirds vote HB 3449 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3450—A bill to be entitled An act relating to a special tax district in Orange County known as the West Orange Memorial Hospital Tax District; amending Sections 5 and 7, chapter 26066, Laws of Florida, 1949, as amended; the term "hospital" as used in this chapter shall include nursing home which will provide for the authorization to establish, purchase, construct, sell, operate and maintain a nursing home or nursing homes in addition to hospitals; and increasing the aggregate amount of principal money that can be borrowed by the district pursuant to said Section 7 not to exceed the sum at any one time of ten million dollars; providing an effective date.

—was read the second time by title. On motion by Senator Sims, by two-thirds vote HB 3450 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3454—A bill to be entitled An act relating to Martin County; repealing chapter 16548, Laws of Florida, 1933, which prohibits persons from allowing livestock to roam at large and provides for remedies, penalties, and damage recovery against violators; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two thirds vote HB 3454 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3455—A bill to be entitled An act relating to Martin County; repealing chapter 69-1304, Laws of Florida, which authorizes the county commissioners to enter into certain contracts without competitive bidding; providing that such chapter shall continue as a Martin County ordinance subject to modification and repeal as are other ordinances; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3455 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3456—A bill to be entitled An act relating to Martin County; repealing chapters 59-1556 and 61-2476, Laws of Florida, relating to vaccination, licensure, and impounding of dogs; providing that such chapters shall continue as Martin County ordinances subject to modification or repeal as are other ordinances; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3456 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3457—A bill to be entitled An act relating to the Loxahatchee River environmental control district; amending section 6(9), (12) and (27) of chapter 71-822, Laws of Florida, relating to powers of the district governing board; authorizing certain rate setting and collecting practices and allowing the board to compel water use reduction or sewage treatment in certain instances; providing certain bondholders' remedies; providing detailed procedures for authorizing the construction or extension of water or sewer lines and for apportioning, assessing, or collecting the costs thereof, including enforcement of liens; authorizing the governing board to issue bonds for certain purposes and setting forth requirements for bonds; ratifying previous actions by the governing board; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 3457 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3465—A bill to be entitled An act relating to Washington County; increasing from five to nine the number of members of the Washington County Hospital Board of Trustees; providing for the appointment, terms, removal, compensation and powers of such members; repealing chapter 65-2376, Laws of Florida, relating to the number and terms of such members; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 3465 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3504—A bill to be entitled An act relating to Pasco County; repealing section 2 of chapter 63-1761, Laws of Florida, as amended, providing that the Circuit Court in and for Pasco County shall provide for the filing of actions in either the county seat or branch courthouses established by law; providing an effective date.

—was read the second time by title.

Senators Peterson and Trask offered the following amendments which were moved by Senator Trask and adopted:

Amendment 1—On page 1, strike all of lines 17 through 22

(Renumber subsequent section)

Amendment 2—On page 1 in title, strike all of lines 6 through 9 and insert: as amended, relating to trial of civil actions at the branch courthouse;

On motion by Senator Trask, by two-thirds vote HB 3504 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3512—A bill to be entitled An act relating to Holmes County; amending subsection (e) of section 1 of chapter 63-769, Laws of Florida; providing that the sum of \$25,000 from the Holmes County racetrack funds be paid to the trustees of the Holmes County Hospital Corporation for current operating expenses and equipment; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 3512 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3519—A bill to be entitled An act relating to the City of New Port Richey, Pasco County; exempting said city from general provisions of law relating to voluntary annexation which require municipalities to redefine the municipal boundaries and to publish such redefined boundaries along with the nonemergency ordinance providing for the annexation; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 3519 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3521—A bill to be entitled An act relating to Gilchrist County; repealing chapter 71-650, Laws of Florida, which allows the Board of County Commissioners of Gilchrist County, to make purchases for county purposes not to exceed \$1,000 without the necessity of requiring bids; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3521 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3523—A bill to be entitled An act relating to the Cedar Key Special Water and Sewerage District, Levy County; amending sections 6 and 11 of chapter 63-1569, Laws of Florida; increasing the maximum amount of bonds which the district is authorized to have outstanding at any one time; providing for the purchase of certain chemicals and supplies without bid when the consideration involved does not exceed \$1,500; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 3523 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3524—A bill to be entitled An act relating to Martin County; amending section 3 of chapter 67-1710, Laws of Florida, relating to group insurance; providing that the board of county commissioners may, by resolution, determine the percentage (up to 100 percent) of the premiums for such group insurance which may be paid as operating expenses by such board and the various fee basis officers of the county; providing that such resolution shall be binding upon such board and such fee basis officers; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3524 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3535—A bill to be entitled An act relating to the Loxahatchee River environmental control district; amending section 4(4) of chapter 71-822, Laws of Florida, as amended, providing for the qualifying of candidates for the governing board; providing for the canvassing of election results and absentee ballots; providing for the election of candidates for the governing board at the general election; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3535 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3537—A bill to be entitled An act relating to the Tampa-Hillsborough County Expressway Authority Law; amending s. 348.51(6), Florida Statutes, to change the definition of "expressway system"; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 3537 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3538—A bill to be entitled An act relating to Hillsborough County; amending chapter 69-1127, Laws of Florida, raising the applicability of said act from minors under 17 years of age to minors under 18 years of age; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 3538 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3539—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, general employees pension fund; amending section 2 of chapter 73-636, Laws of Florida, permitting certain employees to receive credit for certain past service upon certain terms and conditions; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 3539 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3540—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending sections 2, 4, and 5 of chapter 59-1919, Laws of Florida, as amended, providing that the Chief of Sanitation of the City of Tampa shall enforce and administer the provisions of chapter 59-1919, Laws of Florida, providing for the abatement, as nuisances, of weeds, grass or underbrush upon real property within the city; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 3540 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-----------|----------|
| Brantley | Firestone | Hair | Lane, D. |
| Childers, D. | Glisson | Henderson | Lane, J. |
| Childers, W. D. | Gordon | Holloway | Lewis |
| Dunn | Graham | Johnston | MacKay |

| | | | |
|---------|-------------|-------------|--------|
| McClain | Saunders | Stolzenburg | Vogt |
| Myers | Sayler | Thomas, J. | Ware |
| Plante | Scarborough | Thomas, P. | Wilson |
| Poston | Sims | Tobiassen | Winn |
| Renick | Spicola | Trask | Zinkil |

Nays—None

HB 3541—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; creating the Tampa Downtown Development Authority to plan, coordinate, and assist in the development and revitalization of the downtown area of the City of Tampa; defining the initial boundaries of such area; providing for the composition of the authority; prescribing powers of the authority including, among others, the power to acquire property through eminent domain proceedings and the power to issue bonds payable solely from revenues; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 3541 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3542—A bill to be entitled An act relating to Hillsborough County; amending section 1 of chapter 71-687, Laws of Florida, as amended, by adding that the district school board may enter into agreements for group insurance with health and hospitalization, as well as life, insurance companies for the benefit of retired employees of the public schools in the county and by adding that said board may provide such health and hospitalization, as well as life, insurance for said retired employees; providing for contributions by the board to the premiums therefor; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 3542 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3543—A bill to be entitled An act relating to Hillsborough County; amending section 7(u) of chapter 23338, Laws of Florida, 1945, as amended, providing that the amount equal to ad valorem taxes which would be levied on a project owned by the Tampa Port Authority if it were privately owned shall be specifically identified in any lease of the project and shall be subject to annual adjustment during the lease; providing for the deduction of the payment of such amount by the lessee from any ad valorem tax levied and retained by the Authority; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 3543 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3554—A bill to be entitled An act relating to Port Everglades Authority, Broward County; authorizing the issuance of an alcoholic beverage license to the Port Everglades Authority for use in its operation of Port Everglades; providing for application; providing for transfer; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 3554 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3555—A bill to be entitled An act relating to Broward County; amending Chapter 75-350, Laws of Florida; providing for legislative intent; amending Section 2 of Chapter 75-350, Laws of Florida, to provide that candidates for municipal office shall file qualification papers no earlier than the 2nd day of January nor later than the 16th day of January of the calendar year in which election is to be held; amending Section 3 of Chapter 75-350, Laws of Florida, to provide that any primary election for municipal office in a municipality in Broward County shall be held on the 2nd Tuesday of February of the calendar year and all general elections for municipal office held in a municipality in Broward County shall be held on the 2nd Tuesday in March of the calendar year; amending Section 4 of Chapter 75-350, Laws of Florida, to provide that primary elections may be held in races for municipal offices in Broward County if a municipal charter or ordinance provided for a primary election prior to effective date of Chapter 75-350, Laws of Florida, provided the municipality adopts or reenacts an ordinance authorizing such primary elections approved by a referendum; amending Section 5 of Chapter 75-350, Laws of Florida, to provide that in determining the slate of candidates to be established by any primary election for races for municipal offices in Broward County that local charter provisions or ordinances shall provide how the slate of candidates for the general election shall be determined; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 3555 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3557—A bill to be entitled An act relating to Monroe County; authorizing county building and zoning enforcement officials to issue citations for violations of county ordinances; providing procedures for the disposition of citations and for prosecutions therefor; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 3557 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3570—A bill to be entitled An Act relating to the Northwest Florida Indian Council; amending sections 1, 2, and 4 of Chapter 75-370, Laws of Florida; providing legislative intent; increasing the number of members of the council; providing for selection of members on the council who reside within Santa Rosa and Okaloosa Counties; authorizing the Boards of County Commissioners in Santa Rosa and Okaloosa Counties to make gifts, grants, and loans to the council; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 3570 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3575—A bill to be entitled An act relating to the St. Lucie County-Fort Pierce Fire District; amending section 1 of chapter 67-1993, Laws of Florida, authorizing the Board of Commissioners of the district to pay out of any of its available funds all or part of the premiums for life, health, accident, or hospitalization insurance provided for its employees and the families of such employees; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3575 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3576—A bill to be entitled An act relating to the Lehigh Acres Fire Control and Rescue District, in Lee County; adding certain described lands within the limits of the district; amending sections 2 and 3 of chapter 63-1546, Laws of Florida, as amended; extending the limits of the district; providing for the election of the members of the board of the district; providing for method and time of such election; providing for assumption of office by members of the board; providing for the filling of vacancies; providing for continuation in office for a certain period of time by members of the board in office on the effective date of this act; providing for a referendum with respect to taxing authority in the new territory added to the district; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3576 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3579—A bill to be entitled An act relating to Calhoun County; creating and establishing a transportation authority in said county and providing its purposes, powers, and duties; providing that the members of said authority be appointed by the Governor; providing the method of financing said authority and its activities; providing a tax exemption for said authority; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 3579 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3581—A bill to be entitled An act relating to Broward County; amending section 9, chapter 24415, Laws of Florida, 1947, as amended, authorizing and empowering the Board of Commissioners of the South Broward Hospital District to borrow funds not to exceed the sum of \$1,000,000 for capital acquisition to be repaid within 5 years; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 3581 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3582—A bill to be entitled An act relating to Broward County; amending section 9 of chapter 27438, Laws of Florida, 1951, as amended, increasing from 1 to 5 years the maximum period for which the Board of Commissioners of the North Broward Hospital District may borrow money and issue notes therefor; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 3582 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3584—A bill to be entitled An act relating to the charter of the City of Sunrise, Broward County, Florida, amending Section 2 of Chapter 61-2902, Laws of Florida 1961, as amended, to enlarge the municipal boundaries by annexing and including within the city limits and boundaries certain additional territory located in Sections 17 and 18, Township 49 South, Range 41 East; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by a two-thirds vote HB 3584 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3585—A bill to be entitled An act relating to Broward County; amending section 4 of chapter 24415, Laws of Florida, 1947, relating to the South Broward Hospital District; authorizing the Board of Commissioners of South Broward Hospital District to lease real and/or personal property, upon reasonable terms; providing for the leasing of real property for a term not in excess of 30 years; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 3585 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3587—A bill to be entitled An act relating to the City of Sunrise, Broward County; relating to the issuance of an alcoholic beverage license for the City of Sunrise for the Sunrise Cultural Arts and Convention Center; providing terms

and conditions for the issuance of said license; providing for transfer; excepting said license from the provisions of s. 561-20(1), Florida Statutes, as same relates to limitation on number of such licenses that may be issued in Broward County; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 3587 was read the third time by title passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3588—A bill to be entitled An act relating to Lee County; providing for the repeal of Chapter 72-603, Laws of Florida, relating to special restaurant alcoholic beverage licenses; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 3588 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3624—A bill to be entitled An act relating to the City of Boca Raton, Palm Beach County; redesignating the Greater Boca Raton Tax District for the acquisition of beach property as the Greater Boca Raton Beach Tax District; amending ss. 2-9 of chapter 74-423, Laws of Florida, providing staggered terms for members of the board of commissioners of the district; requiring at least three affirmative votes of members of the board to set annual millages and the annual budget and to carry out the provisions of this act; providing for the nonpartisan election of such members; providing for the annual election of the chairman and officers of the board; replacing provisions relating to the purposes of the district with a requirement that the district reimburse the City of Boca Raton for the cost in acquiring specified property in the district and improvements thereon and the purchase of other beach or park properties; requiring the affirmance of the City of Boca Raton or of the electorate for the district to purchase, lease, or acquire property by eminent domain for park or beach purposes; removing the authority of the district to borrow money; restricting to nonexempt property any tax levied by the district; authorizing an increase of such tax upon approval of the electorate; requiring the district to cease to function if its boundaries become those of the City of Boca Raton; providing for the transfer of assets upon such cessation; providing an effective date.

—was read the second time by title. On motion by Senator Lewis by two-thirds vote HB 3624 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|--------|-----------|
| Brantley | Dunn | Gordon | Henderson |
| Childers, D. | Firestone | Graham | Holloway |
| Childers, W. D. | Glisson | Hair | Johnston |

| | | | |
|----------|-------------|-------------|--------|
| Lane, D. | Plante | Sims | Trask |
| Lane, J. | Poston | Spicola | Vogt |
| Lewis | Renick | Stolzenburg | Ware |
| MacKay | Saunders | Thomas, J. | Wilson |
| McClain | Saylor | Thomas, P. | Winn |
| Myers | Scarborough | Tobiassen | Zinkil |

Nays—None

HB 3679—A bill to be entitled An act relating to the North Naples Fire Control District, Collier County; amending section 9 of chapter 61-2032, Laws of Florida, eliminating the maximum dollar taxing ability; providing an effective date.

—was read the second time by title.

Senator Stolzenburg moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 27 and 28 and insert: Section 2. This act, except for this section which shall take effect upon becoming a law, shall take effect only upon approval by a majority vote of the electors of the North Naples Fire Control District voting in a referendum election which shall be called and held by the board of county commissioners of Collier County at the next general election. There shall be at least 30 days' notice of the election as provided by s. 100.342, Florida Statutes.

Amendment 2—On page 1 in title, line 7, after the semicolon insert: providing a referendum;

On motion by Senator Stolzenburg, by two-thirds vote HB 3679 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3680—A bill to be entitled An act relating to Collier County; repealing chapter 71-592, Laws of Florida, as amended, which provides for special restaurant alcoholic beverage licenses and for certain other matters related thereto; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 3680 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3681—A bill to be entitled An act relating to the Naples Mosquito Control District, Collier County; amending chapter 63-1234, Laws of Florida, as amended; changing the name of the Naples Mosquito Control District to the Collier Mosquito Control District; providing for the method of filing for election as a member of the board of said mosquito control district; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 3681 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3690—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County, Police Pension and Relief Fund; amending subsections (8) age and service retirement, (9) age and service pension, (10) nonduty disability, (11) duty disability, and (13) death benefits, of section 16 of chapter 24981, Laws of Florida, 1947, as amended, and adding subsection (9A) cost-of-living adjustments, thereto; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3690 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3699—A bill to be entitled An act relating to Martin County; providing for nonpartisan election of Martin County district school board members; providing dates for their election; exempting present members for the remainder of their terms; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 3699 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3702—A bill to be entitled An act relating to the City of Clewiston, Hendry County; amending Article I, Section 1, Chapter 10433, Laws of Florida, 1925, to redefine the territorial limits of the City of Clewiston; providing an effective date.

—was read the second time by title. On motion by Senator Johnston by two-thirds vote HB 3702 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3708—A bill to be entitled An act relating to Port Everglades Authority, Broward County; amending chapter 59-1157, Laws of Florida, as amended, being the charter of Port Everglades Authority; amending Part VI, Article 2, Section 2 thereof, relating to definition and description of lands defined as "Port Operational Lands"; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote HB 3708 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3726—A bill to be entitled An act relating to Walton County; creating the South Walton Tax District in Walton County; providing the boundaries of the district; providing for the membership and election of the South Walton Tax District Board; providing the compensation of members of the board; providing for the powers and duties of the board; providing for the assessment and levy of ad valorem taxation subject to a referendum; providing for referendums; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 3726 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3727—A bill to be entitled An act relating to Jackson County; amending section 6 (c) of chapter 19901, Laws of Florida, 1939, as amended, relating to the appointment of trustees of Jackson County Hospital Corporation, the number of trustees, term of appointment, qualifications, duties, rights and privileges; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 3727 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3753—A bill to be entitled An act relating to Lake County; amending section 4 of chapter 65-1785, Laws of Florida, relating to the expenditure of moneys collected by the Northwest Lake County Hospital District; allowing the proceeds of all tax moneys heretofore levied, collected and received under the authority of chapter 69-1202, Laws of Florida, to be paid over to Leesburg Hospital Association, Inc., a Florida nonprofit corporation; repealing all other provisions of chapter 69-1202, Laws of Florida, including the abolishment of the Board of Trustees of the Northwest Lake County District created by and existing under the provisions of said act; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 3753 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3754—A bill to be entitled An act relating to Sumter County; amending sections 2 and 3 of chapter 71-932, Laws of Florida, relating to the acquisition, construction, repair, equipping and remodeling of school buildings for Sumter County and the issuance of certificates of indebtedness payable from the portion of the racetrack funds accruing annually to Sumter County and allocated to the district school board to finance the cost of such projects; increasing the amount of such certificates of indebtedness authorized to be issued to \$4,400,000 and authorizing the district school board to determine the interest rate and maturities of such certificates of indebtedness, provided they mature within 40 years from their date; providing for the method of sale of such certificates of indebtedness; providing for such certificates of indebtedness to be additionally payable from jai alai fronton funds allocated to the board pursuant to law, and available state motor vehicle license taxes; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 3754 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3760—A bill to be entitled An act relating to Columbia, Dixie, Gilchrist, Hamilton, Lafayette, and Suwannee Counties;

exempting said counties from mandatory compliance with the provisions of the Florida Emergency Telephone Act of 1974; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3760 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3761—A bill to be entitled An act to authorize the City of Cape Coral to provide for the construction of seawalls and to levy against the benefited property owners part or all of the cost of such construction; to provide a short title; definitions; to provide authority for construction of seawalls and levying and collecting the special assessments against the property benefited; to provide method of prorating special assessments; to provide for a resolution required to declare special assessments; to provide plans and specifications, with estimated cost to proposed improvements be required before adoption of the resolution; to provide publication of the resolution; to provide for a first assessment roll; to provide for publication of notice of assessment; to provide for a second assessment roll; to provide for publication of the second assessment roll; to provide for an equalizing board to hear complaints and to adjust assessments, rebate of difference in cost and assessment; to provide for priority of lien, interest and method of payment; to provide legal proceedings instituted upon failure of property owner to pay special assessment or interest when due, foreclosure, and service of process; to provide that the city council is required to make new assessments until valid assessment is made if special assessment is omitted or held invalid; to provide that the city council may pay out of its general funds or any special fund for that purpose, portion of the cost of improvement; to provide assessment rolls as sufficient evidence of assessment and other proceedings in this act and that variance is not material unless party objecting is materially injured thereby; to provide that the act is additional and complete authority; to provide separability provisions and to provide time of taking effect.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 3761 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3774—A bill to be entitled An act relating to Monroe County; repealing chapter 69-1319, Laws of Florida, and chapter 70-815, Laws of Florida, abolishing the North Key Largo Development District; providing an effective date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote HB 3774 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3915—A bill to be entitled An act relating to the City of Key West, Monroe County; amending section 11 of chapter 69-1191, Laws of Florida, as amended, requiring, rather than authorizing, the Utility Board of the City of Key West to grant lower rates on residential accounts for the use of electricity to certain permanent residents over 60 years of age or who are totally and permanently disabled American veterans; providing an effective date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote HB 3915 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

CS for HB 3916—A bill to be entitled An act relating to Monroe County; repealing chapter 63-1631, Laws of Florida, as amended by chapter 69-1320, Laws of Florida relating to franchises for garbage and waste collection and disposal; confirming franchises previously granted; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote CS for HB 3916 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3927—A bill to be entitled An act relating to Monroe County; providing that county officials and county employees and their dependents, upon retirement, shall continue to be insured under any group insurance plan, provided said persons pay to the county the monthly insurance premium required under the policy; requiring provisions of this act to be included in any county contract for group insurance; setting forth the intention of the Legislature in passing this act; repealing all laws, whether general, special or local, in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 3927 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3934—A bill to be entitled An act relating to Monroe County; amending sections 1 and 3 of chapter 69-1321, Laws of Florida, as amended, replacing the member of the career service system of Monroe County appointed by the other four members with a representative of the Lower Florida Keys Hospital District; including employees of the district within the career service system; removing the exemption of employees furnishing professional services from the career service system; amending section 6 of chapter 69-1321, Laws of Florida, providing the career service council with certain oath and subpoena powers; prohibiting persons from failing to respond to certain orders of the council or from giving false testimony; providing a penalty; authorizing the council to order reinstatement of an employee pending judicial review of the order; authorizing the council to order the agency to pay the employee's attorney's fee and certain other expenses; adding section 7A to chapter 69-1321, Laws of Florida, authorizing judicial review of decisions of the council under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 3934 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3936—A bill to be entitled An act relating to Monroe County; amending section 7 of chapter 67-1726, Laws of Florida, as amended, authorizing the board of commissioners of the Monroe County Mosquito Control District to be paid for traveling expenses at the mileage figure authorized under s. 112.061(7)(d), Florida Statutes; amending section 14 of chapter 67-1726, Laws of Florida, authorizing the board of commissioners of the mosquito control district to purchase property or equipment without formal bids in an amount not exceeding \$2,000; adding a new section 22 to chapter 67-1726, Laws of Florida, authorizing the board of commissioners of the mosquito control district to set up and maintain a properly controlled public mix program for the alleviation of mosquito and other arthropod infestations under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 3936 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

CS for HB 3967—A bill to be entitled An act relating to Monroe County; abolishing and recreating the Florida Keys Aqueduct Authority; providing definitions; providing for the election, qualifications, terms, compensation, and recall of members of the Board of Directors of the Authority; requiring all members to post a bond; requiring publication of the audit and proposed budget of the Authority; requiring a hearing on the budget; providing powers and duties of the board and of the Authority including the ownership, acquisition, mortgage, lease, and disposal of property and facilities, the furnishing of services and facilities relating to water supply, water supply systems, and sewer systems, the exercising of the power of eminent domain, and the financing of the projects and activities of the Authority through the issuance of bonds; restricting the purchase of equipment; authorizing the Authority to enter into agreement with other public agencies of the State of Florida and the United States of America; providing authority to set rates, fees, rentals, tolls, fares, and charges and to pledge the same as security for bonds; providing for special lower rates for certain persons; requiring hearings for increases in rate, fee, rental, and other charges; providing authority to recover delinquent charges together with attorneys' fees, expenses, and penalties and to discontinue services; authorizing agreements with private or public persons or agencies concerning the furnishing of facilities and services; granting the Authority exclusive jurisdiction over projects and budgets and providing exemption of Authority projects and activities and the Authority budget and finances from other regulatory laws and authorities; authorizing the Authority to adopt a comprehensive general plan for the furnishing of water services and systems; providing the power to issue bond anticipation notes; providing the power to make short term borrowings and to issue certificates of indebtedness; providing authority for making trust agreements; providing for the sale of bonds subject to the approval of the electorate; providing authorization and form of bonds; providing for interim and replacement certificates and negotiability; making Authority bonds legal investment or security for other public and private bodies; providing Authority to make bond covenants and to provide for the rights, remedies, and security of bondholders; providing for validation of bonds by publication of notice of issuance and by validation proceedings under chapter 75, Florida Statutes; providing independent authority to issue bonds and authorizing the issuance without approval of other public authorities; extending pledges to bondholders and safeguarding agreement with the Federal Government against impairment of rights; providing for agreements with municipalities, state and federal agencies; providing for tax exemption of Authority properties, bonds, and revenues; providing for investment of funds by the Authority; providing for fiscal year of the Authority; repealing chapters 70-810, 71-778, 75-442, 75-446, and 75-449, Laws of Florida, relating to the Florida Keys Aqueduct Authority, to conform to this act; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote CS for HB 3967 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 3968—A bill to be entitled An act relating to Okaloosa County; repealing chapter 67-1785, Laws of Florida, which authorizes the school board to make purchases not exceeding \$1,000 without requiring competitive bidding; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 3968 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 4006—A bill to be entitled An act relating to Flagler County; providing for the establishment and incorporation of a special tax district to be known as "Palm Coast Fire District"; fixing and prescribing the boundaries of said district; providing for the government and administration of the district; providing and defining the powers and purposes of the district and the board of commissioners thereof; providing for their election and authorizing and empowering said board of commissioners to accept title to operate and maintain facilities for fire protection in the district, including the acquisition and acceptance to title to fire stations which may be used for incidental purposes in addition to their use as fire stations, and furnishing necessary fire fighting and communications equipment for such stations in the district, to purchase the necessary licenses, telephone and electric service, alarm system, and other utilities and materials necessary to permit the operation of the district and to purchase all necessary insurance; authorizing the district to contract with the Palm Coast Volunteer Fire Department and other fire fighting agencies, or public agent for the purpose of providing fire protection in the district; authorizing and empowering the board to borrow money on the note or notes of the district and authorizing the levy and collection of taxes for the payment of said notes and interest thereon and authorizing and providing for the levy and collection of taxes for the repair and maintenance of the facilities and equipment of the district and operating expenses of the district and for the payment of other necessary expenses of carrying on and transacting the business of the district, limiting the rate of taxation for these purposes so as not to exceed one-half mill on the dollar of valuation of the taxable property within the district; providing generally the powers and duties of the board; repealing all laws in conflict therewith; providing that the act shall not take effect until it is approved by a majority of the duly registered electors voting at an election to be held within the district; providing an effective date for referendum.

—was read the second time by title.

Senator Dunn moved the following amendment which was adopted:

Amendment 1—Strike lines 28-31 on page 5, and strike lines 1-13 on page 6 and insert:

Section 4—Vacancies.—Vacancies in office of and on the board of commissioners of the district shall be filled in the manner required in the State Constitution.

On motion by Senator Dunn, by two-thirds vote HB 4006 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Saylor | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

HB 4143—A bill to be entitled An act relating to the Lake Worth Downtown Development Authority; amending section 8 of chapter 72-592, Laws of Florida, increasing the rate of ad valorem taxation levied by the authority from 1 to 3

mills beginning with the authority's 1976-1977 fiscal year; authorizing the authority to lower the tax rate and to thereafter increase it up to 3 mills according to law; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 4143 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Childers, W. D. | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Saunders | Trask |
| Firestone | Lane, J. | Sayler | Vogt |
| Glisson | Lewis | Scarborough | Ware |
| Gordon | MacKay | Sims | Wilson |
| Graham | McClain | Spicola | Winn |
| Hair | Myers | Stolzenburg | Zinkil |

Nays—None

Special Order, continued

SB 895—A bill to be entitled An act relating to ad valorem taxation; amending s. 196.199(4)(a), (c), Florida Statutes, as amended by chapter 76-3, Laws of Florida; providing that governmental property subject to leasehold interest of a non-governmental lessee, other than one performing a governmental, municipal, or public function, after June 1, 1971, is taxable unless the lessee uses the property exclusively for literary, scientific, religious or charitable purposes; providing that the 1972, 1973 and 1974 taxes shall be paid, or if already collected, be reimbursed to the payor, by certain governmental lessors or sublessors; providing that the provisions of paragraph (4)(a) shall apply to 1975 and future years; providing an effective date.

—was read the second time by title.

Senator Brantley moved that the rules be waived and the Senate reconvene for the afternoon session at 1:00 p.m. in lieu of 2:00 p.m. The motion was adopted.

The Senate recessed at 12:00 noon to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President Pro Tempore at 1:00 p.m. A quorum present—23:

| | | | |
|-----------------|----------|-------------|-----------|
| Brantley | Hair | Renick | Tobiassen |
| Childers, D. | Holloway | Saunders | Trask |
| Childers, W. D. | Lane, J. | Sims | Ware |
| Deeb | Lewis | Spicola | Winn |
| Dunn | MacKay | Stolzenburg | Zinkil |
| Graham | Poston | Thomas, P. | |

On motion by Senator P. Thomas the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed—

| | | |
|--------|--------|--------|
| SB 329 | SB 344 | SB 755 |
| SB 756 | SB 869 | SB 870 |
| SB 874 | SB 982 | |

Allen Morris, Clerk

The bills were ordered enrolled.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed HB 4230 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Thompson—

HB 4230—A bill to be entitled An act relating to the name of state buildings; renaming the Gadsden County State Farmers Market as the "W. M. Inman Market"; providing an effective date.

—was read the first time by title. On motion by Senator P. Thomas, the rules were waived and the bill was placed on the calendar.

On motion by Senator P. Thomas, by unanimous consent HB 4230 was taken up out of order. On motions by Senator P. Thomas, by two-thirds vote HB 4230 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

| | | | |
|-----------------|-----------|----------|------------|
| Brantley | Graham | Lewis | Spicola |
| Childers, D. | Hair | MacKay | Thomas, P. |
| Childers, W. D. | Henderson | Myers | Trask |
| Deeb | Holloway | Poston | Winn |
| Dunn | Lane, D. | Saunders | Zinkil |
| Firestone | Lane, J. | Sims | |

Nays—None

Votes after roll call:

Yeas—Glisson, Tobiassen and Vogt

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1, 2 and 3 to CS for HB 2599 and requests the Senate to recede.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Lehman and others—

CS for HB 2599—A bill to be entitled An act relating to criminal penalties; amending s. 893.13(1)(a), Florida Statutes, providing that the sale, delivery or possession of in excess of 100 pounds of cannabis is a felony of the second degree; providing an effective date.

On motions by Senator Myers, the Senate refused to recede from Amendments 1, 2 and 3 to CS for HB 2599 and a conference committee was requested. The action of the Senate, with the bill and amendments, was certified to the House.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 2943 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs and Representative Cherry and others—

CS for HB 2943—A bill to be entitled An act relating to county government; amending s. 125.01(1)(q) Florida Statutes, expressing the legislative intent with respect to the levy of taxes upon property situated within municipalities for the provision of municipal services for the benefit of property and persons situated in unincorporated areas; amending s. 218.32(2), Florida Statutes; providing that revenue and expenditure data shall reflect the division between the incorporated and unincorporated areas of the county; amending s. 218.33(2), Florida Statutes; providing that the uniform classification of accounts shall reflect the division of certain receipts and expenditures between the incorporated and unincorporated areas of the county; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1 and 2 to:

By the Committee on Commerce and Representative Steinberg and others—

CS for HB's 2825, 3042, 3043, 3044 and 3155—A bill to be entitled An act relating to liability and insurance therefor; amending s. 324.021(7), Florida Statutes; changing the financial responsibility limits and providing for a deductible; amending s. 324.051(2), Florida Statutes, changing the property damage operative amount in the financial responsibility law; amending s. 627.727(1), Florida Statutes; requiring that insurers offer the same uninsured motorist limits to insureds that they offer for bodily injury liability coverage to give insureds flexibility in choosing the limits they desire; amending s. 627.731, Florida Statutes; requiring personal injury protection benefits; amending s. 627.736(1), (2), (3), (4), (6) and (7), Florida Statutes; requiring personal injury protection benefits; deleting funeral benefits; providing for reasonable and customary medical benefits; changing benefits for loss of earnings; providing for the tolling of the 30-day personal injury protection benefit payment period under certain conditions; providing that no insurer paying personal injury protection benefits shall have a lien on recoveries in tort; providing that a claimant in any tort claim for which personal injury protection benefits have been paid shall have no right to recover in tort any damages for personal injury protection benefits paid; providing for jury instructions relating to said damages; deleting language relating to equitable distribution and insurer actions; providing that a sworn statement relating to treatment, services, and costs be provided the insurer by a physician, hospital, clinic or other medical institution; providing that no cause of action for invasion of privacy or violation of the physician-patient privilege shall be due to compliance with the discovery provisions of said section; providing that notice to an insurer of the existence of a claim shall not be unreasonably withheld by an insured; providing for the withholding of personal injury protection benefits when an insured unreasonably refuses to submit to a medical examination upon the request of an insurer; amending s. 627.737, Florida Statutes; providing for an exemption from tort liability for general damages because of bodily injury arising out of the ownership, operation, maintenance or use of a motor vehicle unless the bodily injury, sickness or disease is scientifically or objectively demonstrable by recognized medical techniques; deleting language relating to the tort exemption and limitation on right to damages; amending s. 627.739, Florida Statutes, relating to deductibles for personal injury protection benefits; specifying minimum bodily injury limits and providing for a deductible relating thereto; providing for minimum property damage liability limits; creating s. 627.7375, Florida Statutes; prohibiting fraud or intent to commit fraud to violate part x of chapter 627, Florida Statutes; providing penalties; creating s. 626.989, Florida Statutes; establishing a Division of Fraudulent Claims within the Department of Insurance; creating s. 627.4132, Florida Statutes; prohibiting stacking of coverages; creating s. 627.7376, Florida Statutes; mandating the development by the Department of Insurance and use by insurers of a uniform basic policy providing coverage for claims arising out of the use of motor vehicles and mandating a form to implement simplified selection by insureds of options and costs thereof relating to such coverage; creating s. 627.7377, Florida Statutes; providing for property damage deductibles from \$100 to \$500 relating to coverage on an insured's motor vehicle; creating s. 627.7262, Florida Statutes, prohibiting joinder of an insurer; creating s. 768.135, Florida Statutes, providing for the introduction into evidence of collateral sources of indemnity and costs therefor; repealing s. 325.19(7), Florida Statutes, relating to proof of insurance; repealing ss. 627.733, 627.734 and 627.735, Florida Statutes, relating to compulsory insurance; repealing s. 627.738, Florida Statutes, relating to tort liability for property damage; repealing s. 627.740, Florida Statutes, relating to tort claims; repealing s. 627.741(2), Florida Statutes, relating to compliance with ss. 627.730-627.741, Florida Statutes, by insurers; providing for severability; providing an effective date.

and requests a Conference Committee.

Allen Morris, Clerk

On motions by Senator MacKay, the Senate refused to recede from Amendments 1 and 2 to CS for HB's 2825, 3042, 3043, 3044 and 3155 and acceded to the request for a conference committee. The President appointed Senators Brantley, D. Lane, MacKay and P. Thomas as conferees on the part of the Senate.

On motion by Senator Myers, by two-thirds vote CS for HB 2943 was withdrawn from the Committee on Governmental Operations.

On motions by Senator W. D. Childers, the rules were waived and by two-thirds vote Senate Bills 1310, 1335, 1352 and 1372 were withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 739 was withdrawn from the Committee on Commerce.

On motion by Senator Gordon, by two-thirds vote HB 3639 was withdrawn from the Committee on Commerce.

On motion by Senator Plante, the rules were waived and by two-thirds vote SB 1169 was withdrawn from the Committee on Ways and Means.

On motion by Senator Gallen, by two-thirds vote HB 3411 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Spicola, the rules were waived and by two-thirds vote HCR 4189 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Spicola, the rules were waived and by two-thirds vote SB 610 was withdrawn from the Committee on Natural Resources and Conservation.

Special Order, continued

The Senate resumed consideration of—

SB 895—A bill to be entitled An act relating to ad valorem taxation; amending s. 196.199(4)(a), (c), Florida Statutes, as amended by chapter 76-3, Laws of Florida; providing that governmental property subject to leasehold interest of a non-governmental lessee, other than one performing a governmental, municipal, or public function, after June 1, 1971, is taxable unless the lessee uses the property exclusively for literary, scientific, religious or charitable purposes; providing that the 1972, 1973 and 1974 taxes shall be paid, or if already collected, be reimbursed to the payor, by certain governmental lessors or sublessors; providing that the provisions of paragraph (4)(a) shall apply to 1975 and future years; providing an effective date.

Senator W. D. Childers moved the following amendment:

Amendment 1—On pages 1 and 2, strike all after the enacting clause and insert: Section 1. Chapter 76-3, Laws of Florida, which without this act would have become effective on the sixtieth day after adjournment sine die of the 1976 regular session of the legislature, is hereby repealed.

Section 2. This act shall take effect on becoming law.

Senators MacKay, Sayler, Dunn, Firestone, Saunders and Graham offered the following amendment to Amendment 1 which was moved by Senator MacKay and failed:

Amendment 1A—On page 1, insert new Section 2 and renumber:

Section 2. Subsections (2), (3), (4) and (5) of section 196.199, Florida Statutes, as amended by Chapter 76-3, Laws of Florida, are amended to read:

196.199 Exemptions for property owned by governmental units.—

(2) Property owned by the following governmental units but used by nongovernmental lessees shall only be exempt from taxation under the following conditions:

(a) Leasehold interests in property of the United States, of the state or any of its several political subdivisions, or of municipalities, agencies, authorities and other public bodies corporate of the state shall be exempt from ad valorem taxation only when the lessee serves or performs a governmental, municipal, or public purpose or function, as defined in s. 196.012(5). In all such cases, all other interests in the leased property shall also be exempt from ad valorem taxation.

(b) Nongovernmental lessees of governmental property shall not be exempt pursuant to this subsection unless an application for exemption has been filed with the property appraiser and approved by the board of tax adjustment. The application for exemption may be filed at any time with the property appraiser who shall make a recommendation within sixty days to the board of tax adjustment whether the lessee serves or performs a governmental, municipal, or public purpose or function as required by this subsection. Within sixty days after such recommendation by the property appraiser, the board of tax adjustment shall approve, modify or deny the recommendation of the property appraiser and the requested exemption shall accordingly be either granted, modified or denied by the board of tax adjustment. If the exemption in whole or in part is granted, it shall remain valid for the duration of the lease unless the lessee changes its use, in which case the lessee shall again submit an application for exemption. The requirements set forth in s. 196.194 shall apply to all applications made under this subsection.

(c) The tax roll certified as the non-exempt taxable value roll by the property appraiser to the Department of Revenue and the Department of Education shall contain the just value of all property exempted pursuant to this subsection which shall apply to exemptions initially granted subsequent to the effective date of this act.

(d) Any governmental property leased to an organization which uses the property exclusively for literary, scientific, religious, or charitable purposes shall be exempt from taxation.

(e) The exemption provided by this section shall not apply to those portions of a leasehold estate which are used predominantly for a private commercial purpose and serve no governmental, municipal or public purpose or function, as defined in s. 196.012(5).

(3) Nothing herein or in s. 196.001 shall require a governmental unit or authority to impose taxes upon a leasehold estate created prior to December 31, 1976, 1971, if the lease agreement creating such leasehold estate contains a covenant on the part of such governmental unit or authority as lessor to refrain from imposing taxes on the leasehold estate during the term of the leasehold estate, but any such covenant shall not prevent taxation of a leasehold estate by any taxing unit or authority other than the unit or authority making such covenant.

(4) Property owned by the United States, by the state, or by any political subdivision, municipality, agency, authority or other public body corporate of the state which becomes subject to a leasehold interest of a nongovernmental lessee or other possessory interest, other than that described in subsection (2)(a), above on or after June 1, 1971, and the leasehold interest of such a lessee, shall not be exempt from being subject to ad valorem taxation unless the lessee is an organization which uses the property exclusively for literary, scientific, religious or charitable purposes.

(5) No exemption granted before June 1, 1976, 1971, shall be revoked by this chapter if such revocation will impair any existing bond agreement.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that the validity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 4. This act shall take effect upon becoming a law.

Amendment 1 was adopted.

Senator W. D. Childers moved the following title amendment which was adopted:

Amendment 2—On page 1, strike all of lines 3-20 and insert: A bill to be entitled An act repealing Chapter 76-3, Laws of Florida, prior to its effective date, which act related to ad valorem taxation, amended s. 196.199(4) by deleting reference therein to s. 196.199(2)(a) and by changing from June 1, 1971, to June 1, 1975 the date upon which certain leasehold interests of nongovernmental lessees of governmental property became subject to taxation, provided in the case of governmental property leased or subleased to a nongovernmental lessee that the annual ad valorem tax to be paid by the nongovernmental lessee be diminished by the amount of the rent paid to any governmental lessor, provided that the 1972 and 1973 taxes shall be paid, or if already collected reimbursed to the payor by certain governmental lessors or sublessors, provided for payment of certain 1974 and future taxes, and provided that certain entities are deemed to be governmental authorities; providing an effective date.

On motion by Senator J. Lane, by two-thirds vote SB 895 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—22

| | | | |
|-----------------|----------|-------------|------------|
| Brantley | Hair | Plante | Thomas, P. |
| Childers, W. D. | Holloway | Poston | Trask |
| Deeb | Lane, J. | Renick | Ware |
| Gallen | Lewis | Scarborough | Winn |
| Gordon | McClain | Spicola | |
| Graham | Myers | Thomas, J. | |

Nays—13

| | | | |
|--------------|-----------|-------------|--------|
| Childers, D. | Henderson | Sims | Zinkil |
| Dunn | Lane, D. | Stolzenburg | |
| Firestone | MacKay | Tobiassen | |
| Glisson | Saunders | Vogt | |

Vote after roll call:

Nay—Sayler

Abstention from voting

I have a conflict of interest in re: SB 895 and therefore will not vote on this bill.

Harry Johnston II, 26th District

SB 1346—A bill to be entitled An act relating to county government; adding s. 125.01(7), Florida Statutes; providing for the issuance of licenses; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1—On page 3, strike all of lines 3 and 4 and insert: Section 2. Subsection (7) is added to section 166.041, Florida Statutes, to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(7) The governing body of each municipality of this state shall enact an ordinance which shall include but not be limited to the following requirements:

(a) When an application for a license is made as required by law, the governing body of any municipality or any municipal department shall conduct the proceedings required with reasonable dispatch and with due regard to the rights and privileges of all affected parties or aggrieved persons. Promptly upon receipt of an application for a license the governing body of any municipality or any municipal department shall examine the application, notify the applicant of any apparent errors or omissions, and request any additional information the governing body of any municipality or any municipal department is permitted by law to require. Failure to correct an error or omission or to supply additional information shall not be

grounds for denial of the license unless the governing body of any municipality or any municipal department has notified the applicant of the error or omission or has requested the additional information in writing within 30 days after receipt of the application. Within 30 days after the receipt of the original application or within 10 days after the receipt of any requested additional information or correction of errors or omissions, the governing body of any municipality or municipal department shall notify the applicant if the activity for which he seeks a license is exempt from the licensing requirement, and if it is exempt, return any application fee tendered. Unless specifically exempt by law, an application which has not been approved or denied within 90 days of receipt of the completed application, including any additional information timely requested or within 15 days after the conclusion of a public hearing conducted on the application, whichever is latest, shall be deemed to be approved and, subject to the satisfactory completion of an examination if required as a prerequisite to licensure, the license as applied for shall be issued. Each governing body of any municipality or any municipal department, upon issuing or denying a license, shall state with particularity the grounds or basis for the issuance or denial of same, except where issuance is a ministerial act. On denial of a license application on which there has been no hearing, the denying governing body of any municipality or any municipal department shall inform the applicant of any right to a hearing.

(b) As used in this subsection, "license" means a franchise, permit, certification, registration, charter, or similar form of authorization including an application for zoning or rezoning required by law, but it does not include a license required primarily for revenue purposes when issuance of the license is merely a ministerial act.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—On page 1, strike all of lines 4 and 5 and insert: An act relating to county and municipal governments; adding ss. 125.01(7) and 166.041, Florida Statutes, providing for the

Senator Ware moved the following amendment which was adopted:

Amendment 3—On page 3, lines 3 and 4, strike "upon becoming a law." and insert: October 1, 1976

Senators Saunders and Zinkil offered the following amendment which was moved by Senator Saunders and adopted:

Amendment 4—On page 3, line 3, strike "October 1, 1976" and insert: October 1, 1977

On motion by Senator Saunders, by two-thirds vote SB 1346 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—23

| | | | |
|--------------|----------|-------------|-----------|
| Brantley | Lane, J. | Renick | Tobiassen |
| Childers, D. | Lewis | Saunders | Trask |
| Deeb | MacKay | Sims | Ware |
| Firestone | McClain | Spicola | Winn |
| Gallen | Plante | Stolzenburg | Zinkil |
| Glisson | Poston | Thomas, P. | |

Nays—6

| | | | |
|--------|-----------|----------|----------|
| Dunn | Hair | Holloway | Johnston |
| Graham | Henderson | | |

Vote after roll call:

Yea—Childers, W. D.

The Senate resumed consideration of—

HB 1381—A bill to be entitled An act relating to maximum speed limits; amending ss. 316.181(2), 316.182(2) and 316.183 (2)(a), (b), (c) and (d), Florida Statutes, establishing a maximum speed limit of 55 miles per hour; providing an effective date.

Senators P. Thomas and W. D. Childers offered the following amendment which was moved by Senator P. Thomas and adopted:

Amendment 7—On page 3, insert: New Section 4 and re-number.

Section 4. Non Criminal Violations solely for excessive speed less than 70 m.p.h. on all highways which are outside of business and residential districts and which have at least four lanes divided by a median strip at least 20 feet wide and on all highways which comprise a part of the national system of interstate and defense highways shall not be considered by insurance companies in rate increases for individuals or surcharges for insurance premiums.

Senator P. Thomas moved the following title amendment which was adopted:

Amendment 8—On page 1, line 8, after the semicolon insert: providing that certain noncriminal violations for excessive speed on certain highways shall not be considered by insurance companies in rate increases for individuals or surcharges for insurance premiums;

On motion by Senator Poston, by two-thirds vote HB 1381 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

| | | | |
|--------------|-----------|-------------|------------|
| Brantley | Hair | McClain | Spicola |
| Childers, D. | Henderson | Myers | Thomas, J. |
| Deeb | Holloway | Plante | Thomas, P. |
| Dunn | Johnston | Poston | Tobiassen |
| Firestone | Lane, D. | Renick | Trask |
| Gallen | Lane, J. | Saunders | Ware |
| Glisson | Lewis | Scarborough | Winn |
| Graham | MacKay | Sims | Zinkil |

Nays—1

Stolzenburg

Vote after roll call:

Yea—Childers, W. D.

SB 23 was laid on the table.

Consideration of SB 333 was deferred.

HB 1826—A bill to be entitled An act relating to the Council for the Purchase of Products and Services of the Blind or Other Severely Handicapped within the Department of General Services; amending s. 413.034(1), Florida Statutes, 1974 Supplement, to remove the Chief of the Bureau of Budget of the Division of Budget of the Department of Administration from the membership of the council, and providing, in lieu thereof, a representative of private enterprise to be appointed to the council by the Governor; providing an effective date.

—was taken up pending roll call.

Senator Lewis moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 1, line 29, after the comma (,) insert: the chief of the Bureau of Blind Services of the Department of Education, the Director of Prison Industries of the Department of Offender Rehabilitation,

Senator Lewis moved the following title amendment which was adopted:

Amendment 2—On page 1, line 14, before the semicolon insert: and to include the chief of the Bureau of Blind Services of the Department of Education and the Director of Prison Industries of the Department of Offender Rehabilitation on the council

On motion by Senator Lewis, HB 1826 as amended was read by title, passed, and certified to the House. The vote on passage was:

Yeas—30

| | | | |
|--------------|-----------|-------------|------------|
| Brantley | Henderson | Myers | Thomas, J. |
| Childers, D. | Holloway | Plante | Tobiassen |
| Deeb | Johnston | Poston | Trask |
| Dunn | Lane, D. | Renick | Ware |
| Gallen | Lane, J. | Saunders | Winn |
| Glisson | Lewis | Sims | Zinkil |
| Graham | MacKay | Spicola | |
| Hair | McClain | Stolzenburg | |

Nays—None

Vote after roll call:

Yea—Childers, W. D.

Consideration of CS for SB 260, SJR 264 and HB 3121 was deferred.

CS for HB 3958—A bill to be entitled An act relating to correctional work programs; amending s. 944.27, Florida Statutes; providing for gain-time on a monthly basis as earned; providing legislative intent; amending s. 944.49(2), Florida Statutes; providing for application of compensation for inmate labor; amending s. 945.06, Florida Statutes; changing the term "prison industries" to "correctional work programs" and requiring the department to adopt an agricultural and industrial production and marketing program; creating s. 945.061, Florida Statutes; establishing the objectives of the correctional work programs; creating s. 945.062, Florida Statutes; establishing a financing policy for correctional work programs; creating s. 945.063, Florida Statutes; requiring the department to establish operational guidelines and evaluation processes for the correctional work programs and to seek the aid of private labor and management; amending s. 945.091, Florida Statutes, relating to extended limits of confinement; allowing offenders to participate in paid employment only during the last 18 months of their confinement; amending s. 945.11, Florida Statutes, relating to use of prisoners in public works and reimbursement therefor; authorizing certain political subdivisions to use prisoner services; amending s. 945.16, Florida Statutes; providing that correctional work program products may be sold to political subdivisions, other states, and federal agencies within the state; amending s. 945.17, Florida Statutes; renaming the "Industrial Trust Fund" the "Correctional Work Program Trust Fund"; amending s. 945.18, Florida Statutes; providing for the disposition of the moneys in the fund; amending s. 945.19, Florida Statutes; providing for the establishment of budgeting and accounting procedures for the correctional work programs and the use of moneys in the fund for lease purchase agreements; providing an effective date.

—was read the second time by title.

Senators Ware, Gallen, Gordon, Graham and P. Thomas offered the following amendment which was moved by Senator Ware:

Amendment 1—On page 2, strike everything after the Enacting clause and insert: Section 1. Section 944.27, Florida Statutes, is amended to read:

944.27 Gain-time for good conduct; schedule of allowances; cumulative sentences to be treated as one sentence for purposes of allowing and forfeiting.—

(1) The Department of Offender Rehabilitation shall grant the following deductions for gain-time on a monthly basis as earned from the sentences of every prisoner who has committed no infraction of the rules or regulations of the department, or of the laws of the state, and who has performed in a faithful, diligent, industrious, orderly, and peaceful manner the work, duties, and tasks assigned to him, to wit:

(a) Five days per month off the first and second years of the ~~his~~ sentence;

(b) Ten days per month off the third and fourth years of the ~~his~~ sentence; and

(c) Fifteen days per month off the fifth and all succeeding years of the ~~his~~ sentence; and the prisoner ~~he~~ shall be entitled to credit for a month as soon as the prisoner ~~he~~ has served such time as, when added to the deduction allowable, would equal a month.

(2) It is the intent of the Legislature that work programs be recognized as an integral part of the rehabilitative process and that gain-time under this section be awarded only if earned as provided herein. No inmate shall receive additional gain-time allowances under this section solely by virtue of participation in academic classroom instruction.

(3) ~~(2)~~ When a prisoner is under two or more cumulative sentences, the prisoner ~~he~~ shall be allowed gain-time, including any extra gain-time allowed the prisoner ~~him~~ under s. 944.29, shall be subject to forfeiture as though such sentences were all one sentence.

Section 2. Subsection (2) of Section 944.49, Florida Statutes, is amended to read:

944.49 Requirement of labor; compensation; amount; crediting of amount of prisoner; forfeiture; civil rights; prisoner not employee or entitled to compensation insurance benefits.—

(2) Each prisoner who is engaged in productive work in any state correctional institution, program, or facility under the jurisdiction of the department may receive for ~~his~~ work performed such compensation as the department shall determine. Such compensation shall be in accordance with a schedule based on quality and quantity of work performed and skill required for performance and said compensation shall be credited to the account of the prisoner or the prisoner's family. Any monetary payments made directly to the prisoners shall be used in whole or in part to satisfy restitution ordered by a court of competent jurisdiction to the victim of the criminal act. It shall be the policy of the Department of Offender Rehabilitation to require inmates receiving compensation for work performed in community programs to reimburse the state for lodging, food, transportation, and other expenses incurred for sustaining the inmate. Reimbursement shall be according to rules promulgated by the department which shall provide that the inmate retain only a minimal amount of money for personal items and shall take into consideration compensation that may be allocated for the support of the inmates' family and for restitution for the victim of the crime committed.

Section 3. Section 945.06, Florida Statutes, is amended to read:

945.06 Correctional work programs ~~Prison industries~~.

(1) The department shall adopt and put into effect an agricultural and industrial production and marketing program to provide training facilities for persons confined in the adult correctional institutions under the control and supervision of the department. The emphasis of this program shall be to provide inmates with useful work experience on a full-time basis where feasible and appropriate job skills that will facilitate their re-entry into society and to provide an economic benefit to the public and the department through effective utilization of inmates.

(2) The department is authorized to cause to be manufactured, processed, or produced by the inmates of the adult correctional institutions under the control and supervision of the department such items as are practical and adaptable for prison industry and are needed and used in state institutions and agencies and in other governmental jurisdictions of the state. The department shall give priority to the implementation of those activities and services that will directly assist in reducing the reliance of the department upon external sources of supply in the areas of agriculture, animal husbandry, and the allied craft trades that are capable producing a fiscal benefit to the state and which will facilitate self-sufficiency for the inmate, the department, and other units of government.

Section 4. (1) There is created within the Department of Offender Rehabilitation the Prison Industry Commission composed of eight commissioners.

(a) Seven commissioners shall be appointed by the Governor and confirmed by the Senate. Two of such commissioners shall be representatives of Florida-based business enterprises; two shall be representatives of agricultural enterprises; two shall be knowledgeable in the field of vocational training.

(b) One commissioner shall be the Secretary of the Department of Offender Rehabilitation.

(2) All members of the Prison Industry Commission shall serve for 4-year terms, except that the Secretary of the Department of Offender Rehabilitation shall be a member of the Prison Industry Commission so long as he shall remain in that position. The terms of the initial members of the Prison Industry Commission shall be as follows: two of the commissioners appointed by the Governor shall have terms of 2 years, two shall have terms of 3 years, and two shall have terms of 4 years. Commissioners may be reappointed. Vacancies shall be filled by appointment for the remainder of the term by the occupant of the office from which the appointment to the vacant seat was originally made.

(3) As soon as practicable after appointment, the members of the Prison Industry Commission shall hold an organizational meeting and shall elect a chairman and other such officers as the Prison Industry Commission deems necessary; provided, the Secretary of the Department of Offender Rehabilitation shall not be elected to any office. Officers shall serve for 1 year and may be reelected.

(4) The Prison Industry Commission shall meet a minimum of four times each year and may also hold additional meetings at the call of the chairman provided that each member is given at least 3 days notice of such meeting. A majority of the members shall constitute a quorum for the transaction of business. Action may be taken by a majority of the members present at a meeting where a quorum is present.

(5) Commissioners shall receive no compensation but shall receive travel expenses and per diem in accordance with s. 112-061, Florida Statutes.

Section 5. The Prison Industry Commission shall:

(1) Plan a correctional work program which provides suitable training and work experience to assist in the rehabilitation and training of persons confined to adult correctional institutions and which will not result in undue competition with private enterprise.

(2) Recommend the establishment and maintenance of industrial plants which can be operated primarily by inmates in a manner profitable to the state and beneficial in the training of inmates through the manufacture, processing or producing of such items as are practical and adaptable for prison industry and are needed and used by state institutions and agencies, counties, municipalities, school district or other political subdivisions, any federal agency or institution or any agency, institution or political subdivision of another state.

(3) Review the operation of correctional work programs, annually to determine if undue competition with private enterprise exists, and recommend adjustments necessary to prevent undue competition.

(4) Determine which existing industries are operated on a self-sustaining basis and recommend policies which would assist in achieving a financially self-sustaining basis for all correctional work programs.

(5) Provide annually a report to the Governor, the secretary of the department and the Legislature prior to October 1 of each year summarizing the status of the correctional work program. The report may also include any other relevant information and may include recommendations for changes in any other area of offender rehabilitation which would aid in the establishment or success of a correctional work program.

(6) The department is authorized to implement a correctional work program taking into consideration the recommendations of the Prison Industry Commission, including recommendations for providing for gain-time credits for those inmates who participate in the correctional work program. The Department shall work with the Prison Industry Commission and shall be responsible for the administration of the correctional work program and shall provide the Prison Industry Commission with staff assistance to carry out the provisions of this act.

Section 6. Section 945.061, Florida Statutes, is created to read:

945.061 Correctional work program objectives.—In adopting or modifying master plans for correctional work programs and

in the administration of the Department of Offender Rehabilitation, it shall be the objective of the department to develop:

(1) Attitudes favorable to work, the work situation, and to a law-abiding life in each inmate employed in the correctional work program.

(2) Training opportunities that are reasonably broad, but which develop specific work skills.

(3) Programs that motivate inmates to use their abilities. Inmates who do not adjust to this program shall be reassigned.

(4) In cooperation with its regional advisory councils, training programs which will be of mutual benefit to all governmental jurisdictions of the state by reducing the costs of government to the taxpayers and which integrate all instructional programs into a unified curriculum suitable for all inmates, but cognizant of the different abilities of each inmate. The department shall avail itself of the services of local manpower planning council to assess the employment opportunities for released inmates.

Section 7. Section 945.062, Florida Statutes, is created to read:

945.062 Financing of correctional work programs.—

(1) The department shall explore new financing arrangements, including the involvement of private industry and expertise within or outside the institutions to the maximum extent allowed by law. Nothing in this section shall be construed or interpreted as authorizing or permitting the department to incur a state debt of any kind or nature as contemplated by the State Constitution in relation to such financing arrangements.

(2) The correctional work program shall be efficient and shall stress productive labor for all inmates physically able to engage in it.

Section 8. Section 945.063, Florida Statutes, is created to read:

945.063 Operational guidelines for the correctional work programs.—

(1) The department shall establish guidelines for the operation of correctional work programs which shall include the following procedures:

(a) The education, work experience, emotional and mental abilities, and physical capabilities of the inmate and the length of sentence imposed on the inmate are to be analyzed before assignment of the inmate into the various processes best suited for training.

(b) When feasible, the department shall attempt to obtain training credit for an inmate seeking apprenticeship status.

(c) The inmate may begin in a general work skills program and progress to a specific work skills training program, depending upon the ability, desire, and work record of the inmate.

(d) Modernization and upgrading of equipment and facilities should include greater automation and improved production techniques to expose inmates to the latest technological procedures to facilitate their adjustment to real work situations.

(2) Evaluations of correctional work programs shall be conducted according to the following guidelines:

(a) Systematic evaluations shall be implemented, in accordance with s. 20.315(15), to determine whether the correctional work programs are related to successful post-release adjustments.

(b) Operations and policies of work programs shall be reevaluated to determine if they are consistent with their primary objectives.

(3) The department shall seek the advice of private labor and management to:

(a) Assist its work programs in the development of statewide policies aimed at innovation and organizational change.

(b) Obtain technical and practical assistance, information, and guidance.

(c) Encourage the cooperation and involvement of the private sector.

Section 9. Paragraph (b) of subsection (1) of Section 945.091, Florida Statutes, is amended to read:

(1) The department is authorized to adopt regulations permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe he will honor his trust by authorizing him, under prescribed conditions and following investigation and approval by the ~~director~~ *secretary*, who shall maintain a written record of such action and forward a copy of his approval to the Parole and Probation Commission, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

(b) Work at paid employment, participate in education or a training program, or voluntarily serve a public or nonprofit agency in the community while continuing as an inmate of the institution or facility in which he shall be confined except during the hours of his employment, education, training or service and traveling thereto and therefrom. Inmates shall participate in paid employment only during the last 12 18 months of their confinement unless sooner requested by the Parole and Probation Commission.

Section 10. Section 945.11, Florida Statutes, is amended to read:

945.11 Use of prisoners in public works.—

(1) The department is authorized to enter into agreements with *such political subdivisions of the state, as defined by s. 1.01(9) and with such agencies and institutions of the state* as might, under supervision of employees of the department, use the services of inmates of correctional institutions and camps when it is determined by the department that such services will not be detrimental to the welfare of such inmates or the interests of the state in a program of rehabilitation.

(2) The budget of the department *may* ~~shall~~ be reimbursed from the budget of any *political subdivision of the state as defined by s. 1.01(9), state agency or institution* for the services of inmates and personnel of the department in such amounts as may be determined by agreement between the department and the head of such *political subdivision, agency or institution on the basis of the costs of such services to the agency or institution, whichever shall be lower.*

Section 11. Section 945.16, Florida Statutes, is amended to read:

945.16 Use of goods and services produced in correctional work programs ~~prison made products~~.—

(1) ~~(a)~~ All services or items manufactured, processed, grown, or produced by the department in its present programs or in future programs and not required for use therein may be furnished or sold to all state agencies, departments, and institutions, *political subdivisions of the state, other states, and agencies of the federal government within the state.*

~~(b)~~ The following items or services, whenever available, may be sold to counties, school districts, sheriffs or county public safety officers, municipalities, or other political subdivisions: furniture, metal products, canned goods, clothing, farm products, bricks and masonry products, repair and maintenance services, tobacco, and janitorial supplies. No other items are to be sold to such counties, cities, school districts, or like political subdivisions without specific authority from the Legislature.

(2) No similar article of comparable price and quality found necessary for use by any state agency ~~or division under the control or supervision of the Department of Health and Rehabilitative Services or any member thereof~~ may be purchased from any other source when the Department of Offender Rehabilitation shall certify that the same is available and can be furnished by the department. The purchasing authority of any such state ~~institution or~~ agency shall have the power to make reasonable determinations of need, price, and quality with reference to articles available for sale by such *correctional work programs prison industries* operated by the department. In the event of a dispute between the ~~division~~ department and any purchasing authority, based upon price or quality, the matter shall be referred to the Department of Administration whose decision shall be final.

Section 12. Section 945.17, Florida Statutes, is amended to read:

945.17 Creation of Correctional Work Program Industrial Trust Fund.—There is hereby created a Department of Offender Rehabilitation Correctional Work Program Industrial Trust Fund, available for the purpose of financing the operation of correctional work programs industries authorized and required by s. 945.06 established by the department and approved by the Advisory Council on Corrections and Prison Industries, as provided by law. This account shall be a separate fund in the State Treasury and shall be the depository of all funds used for this purpose by all institutions under the supervision and control of the department.

Section 13. Section 945.18, Florida Statutes, is amended to read:

945.18 Sources of fund.—The Department of Offender Rehabilitation Industrial Trust Fund shall consist of the original general revenue appropriation which was made in the 1957 Session of the Legislature, together with all assets and liabilities as of June 30, 1957, as determined by the State Auditor, of all industrial operations in existence at all correctional institutions as of that date; provided, however, that the assets and liabilities as of June 30, 1957, shall not include cash and accounts receivable which are in excess of the current encumbered obligations as of June 30, 1957, it being the intent of the Legislature that after current obligations are liquidated the balance remaining in cash and receivables shall be deposited in the General Revenue Fund unallocated. Should any general service operation of an institution be transferred to the correctional work program prison industries operation of the department, all assets and liabilities of such operation shall become a part of the Correctional Work Program Trust this fund. All income, receipts, earnings, and profits from such industrial enterprises shall hereafter be credited to the Correctional Work Program Trust this revolving Fund to be used for the purposes herein set forth; provided, however, that if the earned surplus in the fund at the end of any fiscal year exceeds \$1,500,000, one-half of such as determined by the Auditor General to be in excess of this amount shall be deposited in the General Revenue Fund, and the other one-half shall be utilized by the department for the expansion and improvement of the correctional work program the earned surplus in the fund at the end of any biennium shall not exceed \$1,500,000 and such surplus as determined by the Auditor General to be in excess of this amount shall be deposited in the General Revenue Fund unallocated.

Section 14. Section 945.19, Florida Statutes, is amended to read:

945.19 Use of fund.—The funds shall be used for the purposes of financing the operation of the correctional work programs industries herein set forth, and all costs of operation of correctional work programs prison industries shall be paid from this fund, including all personnel whose time or proportion of time is devoted to such work program industrial operations. The department shall establish budgeting and cost accounting procedures to provide comparative analysis of each work program unit. The department shall prepare and issue annual consolidated and individual institution financial statements, including, but not limited to, balance sheets and operating statements for the correctional work programs. Any withdrawals from the Correctional Work Program Trust Fund which do not relate to the operation of the correctional work program shall be identified separately in the operating statements. The Department of Offender Rehabilitation shall have the authority to use moneys in the Correctional Work Program Trust Fund to enter into lease purchase agreements for the lease of fixtures and equipment over periods of time exceeding the current fiscal year, provided that such agreements are subject to annual legislative appropriations. The department shall have the authority to construct buildings or make capital improvements for the operation of said work programs industries, provided that such construction shall not exceed \$10,000 for any single project.

Section 15. Prior to January 1, 1979, the department is authorized to grant additional gain-time allowances on a monthly basis as earned up to 1 day off the sentence for each productive or institutional labor performed and after January 1, 1979, up to one day off the sentence for each day of productive or institutional labor performed by any prisoner who has committed no infraction of the rules of the department or of the laws of this state and who has accomplished in a faithful, diligent, industrious, orderly, and peaceful manner the work, duties, and tasks assigned as part of an organized program of

agricultural or mechanical labor in a correctional work program; provided, however, that no inmate shall receive additional gain-time allowances under this section solely by virtue of participation in any program of educational or classroom instruction unrelated to a correctional work program. Educational opportunities and classroom instruction unrelated to a correctional work program shall be available in addition to, but not in lieu of, the correctional work program developed by the department. Any prisoner who, without approval, refuses or neglects to perform the work, duties, and tasks assigned to him in the correctional work program in a faithful, diligent, industrious, orderly, and peaceful manner shall forfeit gain-time as provided in s. 944.28, Florida Statutes.

Section 16. Subsection (2) of section 944.49, Florida Statutes, is amended to read:

944.49 Requirement of labor; compensation; amount; crediting of amount of prisoner; forfeiture; civil rights; prisoner not employee or entitled to compensation insurance benefits.—

(2) Each prisoner who is engaged in productive work in any state correctional institution, program, or facility under the jurisdiction of the department may receive for his work performed such compensation as the department shall determine. Such compensation shall be in accordance with a schedule based on quality and quantity of work performed and skill required for performance and said compensation shall be credited to the account of the prisoner or the prisoner's family. Any monetary payments made directly to the prisoner shall be used in whole or in part to satisfy restitution ordered by a court of competent jurisdiction to the victim of the criminal act.

Section 17. Paragraph (h) of subsection (1) of section 945.21, Florida Statutes, is amended to read:

945.21 Regulations of the department.—

(1) The department authorized to adopt and promulgate regulations governing the administration of the correctional system and the operation of the department. In addition to specific subjects otherwise provided for herein, regulations of the department may relate to:

(h) Payments to prisoners for work performed. Such payments, if any, shall include restrictions on the use of earnings, including payments for support of dependents and release reserves. The regulations shall provide that no payment shall be made to any prisoner who fails to satisfactorily perform the work assigned.

Section 18. The Department of Offender Rehabilitation shall maximize the use of inmate labor in the construction of inmate housing and the conduct of all maintenance projects so that such activities provide for the optimum number of inmates in the most cost effective manner.

Section 19. Subsection (1) of section 944.27, Florida Statutes, is hereby repealed.

Section 20. This act shall take effect July 1, 1976 except that section 19 shall take effect January 1, 1979.

Senators Ware, McClain and P. Thomas offered the following amendment to Amendment 1 which was moved by Senator Ware and adopted:

Amendment 1A—On page 10, line 6, at end of line insert: *The provisions of this section shall not be deemed to authorize any inmate who has been convicted of any murder, manslaughter, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, aircraft piracy or any attempt to commit the aforementioned crimes, to attend any classes at any state community college or any university which is a part of the State University System.*

Amendment 1 as amended was adopted.

Senators Ware, Gallen and Gordon offered the following amendment which was moved by Senator Ware:

Amendment 2—On page 1 in title, strike all of lines 3 through 31 and all of lines 1 through 15 on page 2 and insert: A bill to be entitled An act relating to correctional work programs; amending s. 944.27, Florida Statutes, providing for gain-time on a monthly basis as earned; providing legislative intent; amending s. 944.49(2), Florida Statutes, providing

for application for compensation for inmate labor; amending s. 945.06, Florida Statutes; changing the term "prison industries" to "correctional work programs" and requiring the department to adopt an agricultural and industrial production and marketing program; creating the Prison Industry Commission within the department and providing for the selection of members, organization, and meetings; providing for the Prison Industry Commission to coordinate the development of correctional work programs in the department; creating s. 945.061, Florida Statutes; establishing the objectives of the correctional work programs; creating s. 945.062, Florida Statutes; establishing a financing policy for correctional work programs; creating s. 945.063, Florida Statutes; requiring the department to establish operational guidelines and evaluation processes for the correctional work programs and to seek the aid of private labor and management; amending s. 945.091, Florida Statutes; relating to extended limits of confinement; allowing offenders to participate in paid employment only during the last 18 months of their confinement; amending s. 945.11, Florida Statutes; relating to the use of prisoners in public works and reimbursement therefor; authorizing certain political subdivisions to use prisoner services; amending s. 945.16, Florida Statutes; providing that correctional work program products may be sold to political subdivisions, other states, and federal agencies within the state; amending s. 945.17, Florida Statutes, renaming the "Industrial Trust Fund" the "Correctional Work Program Trust Fund"; amending s. 945.18, Florida Statutes, providing for the disposition of the moneys in the fund; amending s. 945.19, Florida Statutes, providing for the establishment of budgeting and accounting procedures for the correctional work programs and the use of moneys in the fund for lease purchase agreements; providing for the department to grant additional gain-time allowances to inmates for the faithful performance of work; amending s. 944.49(2), Florida Statutes, providing that any monetary payments made to prisoners for work performed be made to the prisoner's family or to satisfy court-ordered restitution; amending s. 945.21(1)(h), Florida Statutes, prohibiting monetary payments to prisoners not performing work in a satisfactory manner; providing that the department maximize the use of inmate labor in construction projects; repealing s. 944.27(1), Florida Statutes, the schedule of gain-time allowances for good conduct; providing effective dates.

Senator Ware moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 2, line 9, insert after "confinement": prohibiting inmates convicted of certain crimes from attending state-supported or operated universities or community colleges;

Amendment 2 as amended was adopted.

On motion by Senator Ware, by two-thirds vote CS for HB 3958 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

| | | | |
|--------------|-----------|-------------|--------|
| Childers, D. | Henderson | Poston | Trask |
| Deeb | Lane, D. | Renick | Ware |
| Dunn | Lane, J. | Scarborough | Winn |
| Firestone | Lewis | Sims | Zinkil |
| Gallen | McClain | Spicola | |
| Glisson | Myers | Thomas, J. | |
| Graham | Plante | Tobiassen | |

Nays—1

Johnston

Votes after roll call:

Yeas—Brantley, Childers, W.D., Hair and Holloway

Consideration of SB 959 was deferred.

CS for HB 3170—A bill to be entitled An act relating to public health; amending s. 381.272(2) and (3), Florida Statutes, relating to sewage disposal facilities, exempting certain undeveloped private property from certain requirements of chapter 10D-6, Florida Administrative Code; providing an effective date.

—was read the second time by title.

Senator Graham moved the following amendment which was adopted:

Amendment 1—On page 3, line 13, insert new Section 2: Section 2. Nothing in s. 381.272 shall prohibit any unit of local government from enforcing or promulgating local ordinances more stringent than either the rules promulgated by the department or the requirements of this section.

(Renumber subsequent section.)

Senator MacKay moved the following amendment which failed:

Amendment 2—On page 2, line 14, insert: (after the word "requirements") which were purchased from the original developer

The vote was:

Yeas—12

| | | | |
|-----------|-----------|----------|------------|
| Firestone | Henderson | Poston | Spicola |
| Gordon | MacKay | Renick | Thomas, P. |
| Graham | Myers | Saunders | Zinkil |

Nays—13

| | | | |
|----------|-------------|-------------|------|
| Brantley | Lane, J. | Stolzenburg | Winn |
| Deeb | Lewis | Thomas, J. | |
| Gallen | McClain | Tobiassen | |
| Glisson | Scarborough | Trask | |

On motion by Senator Glisson, by two-thirds vote CS for HB 3170 as amended was read the third time by title and failed to pass. The vote was:

Yeas—14

| | | | |
|----------|--------|-------------|-----------|
| Brantley | Lewis | Scarborough | Tobiassen |
| Deeb | Plante | Stolzenburg | Trask |
| Gallen | Poston | Thomas, J. | |
| Glisson | Renick | Thomas, P. | |

Nays—16

| | | | |
|--------------|-----------|----------|----------|
| Childers, D. | Graham | Lane, D. | Saunders |
| Dunn | Henderson | MacKay | Spicola |
| Firestone | Holloway | McClain | Winn |
| Gordon | Johnston | Myers | Zinkil |

Vote after roll call:

Yea—Childers, W. D.

On motion by Senator Gordon the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2010 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Boyd and others—

HB 2010—A bill to be entitled An act relating to housing; amending section 420.011, Florida Statutes, to provide definitions; amending chapter 420, Florida Statutes, by adding a new part IV to establish a Florida Housing Finance Agency, providing legislative findings, membership, powers and duties; providing special powers relating to mortgages and loans to qualified lending institutions for authorized purposes; providing for grants and advances from a fund established for such purpose; providing for the authorization and issuance of bonds; providing special conditions and procedures; providing for trust funds; providing effective dates.

—was read the first time by title. On motion by Senator Gordon, the rules were waived and the bill was placed on the calendar.

Special Order, continued

SB 260 was taken up, together with, by the Committee on Commerce and Senators Gordon, Winn, Poston, Myers, Renick, MacKay, Graham, Zinkil, Glisson and Firestone, CS for SB 260, which was read the first time by title and SB 260 was laid on the table.

On motion by Senator Gordon, HB 2010 a companion measure to CS for SB 260 was substituted therefor. On motion by Senator Gordon, by two-thirds vote HB 2010 was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 4, line 14, strike the word "an" and insert: a federally

Amendment 2—On page 14, lines 28 and 29, strike the words "one hundred ten per cent (110%)" and insert: one hundred percent (100 percent)

Amendment 3—On page 17, line 28, strike the words "state bonds or"

The President presiding

Amendment 4—On page 18, lines 2-5, strike the words "State bonds, as so defined, shall be payable primarily from the pledged revenues provided for by said Section 16, Article VII, and shall be additionally secured by the full faith and credit of the state."

Amendment 5—On page 18, line 17-23, strike all of lines 17, 18, 19, 20, 21, 22, and 23 and insert: purposes incident thereto; provided however, that in any state fiscal year the total principal amount of revenue bonds to be issued shall not exceed one hundred million dollars.

On motion by Senator Ware the Senate reconsidered the vote by which Amendment 5 was adopted.

By permission Amendment 5 was withdrawn.

Senator Saunders moved that HB 2010 be temporarily deferred. The motion failed.

Senator Plante moved the following amendment which was adopted:

Amendment 6—On page 18, line 17-23, strike all of lines 17, 18, 19, 20, 21, 22 and 23 and insert: purposes incident thereto; provided no more than \$50,000,000 in bonds shall be outstanding in any one fiscal year.

Senator Gordon moved that the rules be waived and HB 2010 as amended be read the third time by title. The motion was adopted by the following vote:

Yeas—25

| | | | |
|--------------|----------|-------------|------------|
| Brantley | Gordon | MacKay | Thomas, P. |
| Childers, D. | Graham | Myers | Ware |
| Deeb | Hair | Plante | Winn |
| Dunn | Holloway | Poston | Zinkil |
| Firestone | Johnston | Renick | |
| Gallen | Lane, D. | Scarborough | |
| Glisson | Lane, J. | Spicola | |

Nays—8

| | | | |
|-----------------|-----------|----------|-------------|
| Mr. President, | Henderson | Saunders | Stolzenburg |
| Childers, W. D. | Lewis | Sims | Tobiassen |

HB 2010 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

| | | | |
|--------------|----------|-------------|------------|
| Brantley | Gordon | McClain | Thomas, P. |
| Childers, D. | Graham | Myers | Ware |
| Deeb | Hair | Plante | Winn |
| Dunn | Holloway | Poston | Zinkil |
| Firestone | Johnston | Renick | |
| Gallen | Lane, J. | Scarborough | |
| Glisson | MacKay | Spicola | |

Nays—9

| | | | |
|-----------------|----------|-------------|-----------|
| Mr. President | Lane, D. | Sims | Tobiassen |
| Childers, W. D. | Lewis | Stolzenburg | |
| Henderson | Saunders | | |

Votes after roll call:

Nays—Trask and Wilson

CS for SB 260 was laid on the table.

On motion by Senator Gordon, the rules were waived and by two-thirds vote HJR 1779 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

SJR 264 was taken up and on motion by Senator Gordon—

HJR 1779—A joint resolution proposing an amendment to Article VII of the State Constitution to provide a new Section 16 relating to bonds for housing and related facilities.

—a companion measure was substituted therefor and read the second time.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 2, lines 25-30, strike the words “and, when authorized, additionally secured without an election by the full faith and credit of the state. State bonds pledging the full faith and credit of the state may not exceed fifty percent of tax revenues of the state for the two preceding fiscal years”

Amendment 2—On page 1, lines 20-21, strike the words “state bonds pledging the full faith and credit of the state or”

Amendment 3—On page 2, lines 1-3, strike the words: “; and, when so authorized, the bonds may be additionally secured by the full faith and credit of the state.” and insert: a “period” (.)

Amendment 4—On page 2, line 23, strike “state” and insert: revenue

Amendment 5 by Senator Gordon was withdrawn.

Senator Plante presiding

On motion by Senator Barron further consideration of HJR 1779 as amended was deferred.

On motion by Senator Johnston the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Governmental Operations and Senator Johnston and others—

CS for SB 512—A bill to be entitled An act relating to appeals of board of tax adjustment decisions; amending s. 193.122(1), Florida Statutes; deleting authority for property appraisers to appeal board of tax adjustment decisions to the Department of Revenue; amending s. 194.032(3), (5), Florida

Statutes, and adding subsection (10) to said section; providing board of tax adjustment records shall be made available for judicial review; providing that board of tax adjustment decisions shall conform to certain requirements; authorizing board of tax adjustment decisions to be appealed to the circuit court by a property owner or property appraiser; repealing s. 193.122-(4), Florida Statutes, relating to the extension of taxes against property under review by the Department of Revenue; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 25, strike everything after the enacting clause and insert the following: Section 1. Subsections (2) and (3) of section 194.011, Florida Statutes, are amended to read:

194.011 Completion of assessment rolls.—

(2) On or before approval of the assessment roll by the Department of Revenue, or upon order of the commission or court pursuant to s. 195.098, as appropriate, each property appraiser shall notify by first-class mail each person subject to real or tangible personal ad valorem taxes of the assessment of each taxable item of real property and tangible personal property as the item appears on the assessment roll, which he proposes to increase from the previous year's assessment. *The notice required above shall contain the dollar value of the prior year's assessment and the current assessed value as determined by the property appraiser.* However, such notice shall not be required when such increased assessment is not greater than the value declared by the taxpayer on his return.

(3) Any person objecting to the assessment placed on any property taxable to him may request the property appraiser to informally confer with the taxpayer. Upon receiving the request, the property appraiser, or a member of his staff, shall confer with the taxpayer regarding the correctness of the assessment. At this informal conference, the taxpayer shall present those facts considered by the taxpayer to be supportive of the taxpayer's claim for a change in the assessment of the property appraiser. The property appraiser or his representative, at this conference shall present those facts considered by the property appraiser to be supportive of the correctness of the assessment. *Provided that nothing herein shall be construed to be a prerequisite to administrative or judicial review of property assessments. Petitions to the board of tax adjustment shall describe the property by parcel number and shall be filed as follows: file a petition to oppose such assessment. Such position shall be filed as follows:*

(a) The property appraiser shall have available and shall distribute forms prescribed by the Department of Revenue on which the petition shall be made. Such petition shall be sworn to by the petitioner.

(b) The completed petition shall be filed with the clerk of the board of tax adjustment of the county who shall acknowledge receipt thereof and shall promptly furnish a copy thereof to the property appraiser.

(c) Each petition shall state the approximate time anticipated by the taxpayer to present and argue his petition before the board.

(d) Such petition may be filed at any time during the taxable year prior to the later of:

1. July 15, or

2. The 17th day following the mailing of notice by the property appraiser as provided in subsection (2).

(e) In the event a moratorium is imposed by law, ordinance, regulation, resolution, proclamation, or motion adopted by any governmental body or agency which prohibits, restricts, or impairs the ability of a taxpayer to improve or develop his property to its highest and best use as otherwise authorized by applicable law, regulation, or ordinance, the property appraiser shall consider such moratorium in determining his assessment. The taxpayer may petition the board for relief, and the board may adjust his assessment accordingly to reflect the restrictions placed thereon by the moratorium.

Section 2. Section 194.015, Florida Statutes, is amended to read:

194.015 Board of tax adjustment.—

There is hereby created a board of tax adjustment for each county, which shall consist of three members of the governing body of the county as elected from the membership designated by the chairman of the board of said governing body, one of whom shall be elected designated as chairman, and two members of the school board as elected from the membership designated by the chairman of the school board. Any three members shall constitute a quorum of the board, except that each quorum must include at least one member of said governing board and at least one member of the school board, and no meeting of the board shall take place unless a quorum is present. Members of the board may receive such per diem compensation as is allowed by law for state employees if both bodies elect to allow such compensation. Provided, in charter counties of 1,000,000 or more population, the members of the board may be replaced from time to time by their respective chairmen. Members of the board of tax adjustment may be replaced from time to time by other members of their respective boards on appointment by their respective chairmen. The clerk of the governing body of the county shall be the clerk of the board of tax adjustment. The office of the county attorney may be counsel to the board unless the county attorney represents the property appraiser, in which instance the board shall appoint private counsel who has practiced law for over five years, and who shall receive such compensation as may be established by the board. No meeting of the board shall take place unless counsel to the board is present. However, counsel for the property appraiser shall not be required when the county attorney represents only the board at the board hearings, even though the county attorney may represent the property appraiser in other matters or at a different time. Two-fifths of the expenses of the board shall be borne by the school district and three-fifths by the county commission.

Section 3. Subsections (2), (3), (4) and (5) of section 194.032, Florida Statutes, are amended and subsection (6) is created to read:

194.032 Hearing complaints.—

(2) The clerk of the governing body of the county shall prepare a schedule of appearances before the board based on petitions timely filed with him. He shall notify each petitioner of the scheduled time of his appearance no less than 5 calendar days prior to the day of such scheduled appearance. No petitioner shall be required to wait for more than 4 hours from the scheduled time, and if his petition is not heard in that time he may, at his option, report to the chairman of the meeting that he intends to leave, and, if he is not heard immediately, his administrative remedies will be deemed to be exhausted and he may seek further relief as he deems appropriate. Repeated failure to convene at the scheduled time of meetings of the board of tax adjustment shall constitute grounds for removal from office by the governor for neglect of duties.

(3) Petitioners before the board may be represented by an attorney and present testimony and other evidence. The property appraiser or his authorized representatives may be represented by an attorney in defending his assessment or opposing an exemption and may present testimony and other evidence. The property appraiser, each petitioner, and all witnesses may be required to testify under oath as administered by the chairman of the board of tax adjustment. Hearings shall be conducted in the manner prescribed by rules and regulations of the department. Such hearings shall generally conform to the procedures prescribed for hearings in chapter 120 conformity with the provisions of chapter 120, except that nothing herein shall preclude an aggrieved taxpayer from contesting his assessment in the manner provided by s. 194.171. A verbatim record of the proceedings shall be made, and proof of any documentary evidence presented shall be preserved and made available to the Department of Revenue if requested and for further judicial proceedings as provided in subsection (6).

(4) The board is hereby authorized to appoint special masters for the purpose of taking testimony and making recommendations to the board, which recommendations the board may act upon without further hearing. Such special masters may not be elected or appointed officials or employees of the county, and shall be selected from a list of those qualified individuals residing in the county who are willing to serve as special masters. The clerk of the board shall annually notify such individuals or their professional associations to make known to

them that opportunities to serve as special masters exist. The board shall appoint such masters from the list so compiled prior to convening of the board. The expense of hearings before special masters and any compensation of special masters shall be borne three-fifths by the board of county commissioners and two-fifths by the school board.

(5) In each case, except when a complaint is withdrawn by the petitioner or is acknowledged as correct by the property appraiser, the board of tax adjustment shall render a written decision. All such decisions shall be issued within 20 calendar days of the last day the board is in session under this section. The decision of the board shall contain findings of fact and conclusions of law, and shall include reasons for upholding or overturning the property appraiser's determination. The clerk, upon issuance of the decisions, shall, on a form provided by the Department of Revenue, notify by first-class mail each taxpayer, the property appraiser and the department of the decision of the board. meet the requirements of s. 193.123 and shall provide information sufficient for the Department of Revenue to conduct its review.

(6) Appeals of the board's decision shall be as follows:

(a) If the property appraiser disagrees with the decision of the board, he may appeal the decision to the circuit court if one or more of the following criteria are met:

1. The property appraiser determines and affirmatively asserts in any legal proceedings that there is a specific constitutional or a specific statutory violation, or a specific violation of administrative rules, in the board's decision, provided that nothing herein shall authorize the property appraiser to institute any suit to challenge the validity of any portion of the Constitution or of any duly enacted legislative act of this state, or

2. There is a variance from the property appraiser's assessed value in excess of the following: 15 percent variance from any assessment of \$50,000 or less; 10 percent variance from any assessment in excess of \$50,000 but not in excess of \$500,000; 7 1/2 percent variance from any assessment in excess of \$500,000 but not in excess of \$1,000,000; 5 percent variance from any assessment in excess of \$1,000,000, or

3. There is an assertion by the property appraiser to the Department of Revenue that there exists a consistent and continuous violation of the intent of the law or administrative rules by the board of tax adjustment in its decisions. The property appraiser shall notify the department of those portions of the tax roll for which the assertion is made. The department shall thereupon notify the clerk of the board who shall, within 15 days of the notification by the department, send the written decisions of the board to the department. Within 30 days of the receipt of the decisions by the department the department shall notify the property appraiser of its decision relative to further judicial proceedings. If the department finds upon investigation that a consistent and continuous violation of the intent of the law or administrative rules by the board has occurred, it shall so inform the property appraiser, who may thereupon bring suit in circuit court against the board of tax adjustment for injunctive relief to prohibit continuation of the violation of the law or administrative rules and for a mandatory injunction to restore the tax roll to its just value in such amount as determined by judicial proceeding. Provided that where a final judicial decision is rendered as a result of an appeal filed pursuant to s. 194.032(6)(a)3, which alters or changes an assessment of a parcel of property of any taxpayer not a party to such procedure, such taxpayer shall have 60 days from the date of the final judicial decision to file an action to contest such altered or changed assessment pursuant to s. 194.171 (1). Provided, however, that the provisions of s. 194.171(2) shall not bar such action.

(b) Any taxpayer may bring action to contest a tax assessment, pursuant to s. 194.171.

(c) The circuit court proceeding shall be de novo and the burden of proof shall be upon the party initiating the action.

Section 4. Subsections (1) and (2) of section 194.181 are amended to read:

194.181 Parties to a tax suit.—

(1) The plaintiff in any tax suit shall be:

(a) The taxpayer contesting the assessment of any tax, the payment of which he is responsible for under the law, or

(b) *The property appraiser, pursuant to s. 194.032.*

(2) In any case contesting the assessment of any property, brought by the taxpayer, the county property appraiser and the board of tax adjustment shall be party parties defendant. In any case brought by the property appraiser pursuant to s. 194.032(6)(a) 1. or 2., the taxpayer shall be party defendant. In any case brought by the property appraiser pursuant to s. 194.032(6)(a) 3., the board of tax adjustment shall be party defendant.

Section 5. Subsections (1), (2) and (4) of section 193.122, Florida Statutes, are amended to read:

193.122 Certificates of board of tax adjustment and property appraiser.—

(1) The board of tax adjustment shall certify each assessment roll after all hearings required by s. 194.032 have been held. These certificates shall be attached to each roll as required by the Department of Revenue. If the board of tax adjustment makes any changes in the property appraiser's roll in which the property appraiser does not concur, it shall forward to the department its specific and detailed findings of fact and conclusions of law for all changes made by the board to substantiate that the evidence presented was sufficient to overcome the property appraiser's presumption of correctness. The board shall reduce its findings of fact and conclusions of law to writing, in each case stating the reasons for which the property appraiser's determination was overturned. The department shall invalidate any change by the board if it finds the change lacks legal sufficiency or that the evidence presented was insufficient to overcome the property appraiser's presumption of correctness. The clerk of the board of tax adjustment shall, on a form provided by the department, notify each taxpayer whose case has been forwarded to the department for review. Such notice shall be provided to the taxpayer by first class mail at the time the board's findings are forwarded, and such notice shall be accompanied by a copy of the board's findings as forwarded to the Department of Revenue. The form shall notify the taxpayer that he has 15 days from the date of mailing of the notice to make an appearance, in writing, before the department. Such appearance shall be limited to the record established before the board of tax adjustment. A taxpayer's failure to submit such written statement shall not constitute a failure to exhaust his administrative remedies.

(2) After certification of the tax rolls by the board of tax adjustment, the property appraiser shall make all required extensions on the rolls to show the tax attributable to all taxable property. Upon completion of these extensions, and upon satisfying himself that all property is properly taxed, the property appraiser shall certify the tax rolls. These certificates shall be made in the form required by the department and shall be attached to each roll as required by the department by regulation. *Provided that an appeal of a board of tax adjustment decision pursuant to section 194.032(6)(a) 1. or 2. by the property appraiser shall be filed prior to certification of the tax roll under this subsection. Provided, however, that the roll may be certified prior to an appeal being filed pursuant to s. 194.032(6)(a) 3., but such appeal shall be filed within 20 days after receipt of the department's decision relative to further judicial proceedings.*

(4) The property appraiser may extend millage as required in subsection (2) against the assessment roll and certify it to the tax collector even though there are parcels subject to judicial or administrative review pursuant to s. 194.032(6)(a). *Such parcels shall be certified and have taxes extended against them in accordance with the board of tax adjustment's decisions, provided that payment of such taxes by the taxpayer shall not preclude the taxpayer from being required to pay additional taxes in accordance with final judicial determination of an appeal filed pursuant to section 194.032(6)(a). review by the Department of Revenue. Such parcels shall not be certified or have taxes extended against them until the board of tax adjustment has received formal advice from the Department of Revenue that it has completed its review and as to its final decision. At such time, the property appraiser shall extend and certify taxes on such parcel, or parcels and advise the taxpayer of such certification. If the board forwards to the department insufficient information for the department to review the decision, the board shall, upon the department's request, submit a verbatim transcript of the record and such other materials and information requested by the department to make its review.*

Section 6. Subsection (2) of section 193.052, Florida Statutes, is amended to read:

193.052 Preparation and filing of returns.—

(2) No return shall be required for real property the ownership of which is reflected in instruments recorded in the public records of the county in which the property is located, unless otherwise required in this title. In order for land to be considered for agricultural zoning under s. 193.461, an application for such zoning must be filed on or before *March 1 April 1* of each year with the property appraiser of the county in which such land is located. Such application shall state that said lands on January 1 of that year were used primarily for agricultural purposes.

Section 7. Subsection (3) of section 196.011, Florida Statutes, is amended to read:

(3) For the year 1972, the date for filing an application for the exemptions provided in ss. 196.031(3), 196.081, 196.091, and 196.101 is extended to June 1, 1972. In succeeding years, the date shall revert to *March 1 April 1* of each year.

Section 8. Section 196.151, Florida Statutes, is amended to read:

196.151 Homestead exemptions; approval, refusal, hearings.—The property appraisers of the several counties of the state shall, as soon as practicable after *March 1, April 1* of each current year and prior to the first Monday in May of said year, carefully consider all applications for tax exemptions that shall have been filed in their respective offices on or before *March 1 April 1* of that year and if upon such investigation the property appraiser finds the applicant entitled to the tax exemption applied for under the law he shall mark the application approved and exemption granted and file same in the permanent records of his office and shall make such entries upon the tax rolls of his county as will be necessary to allow such exemption to the applicant. If, after due consideration, the property appraiser should find the applicant not to be entitled under the law to the exemption asked for, such property appraiser shall immediately make out in triplicate form a notice of such disapproval, giving his reasons therefor, a copy of which notice shall be served upon the applicant by the property appraiser either by personal delivery or by registered mail to the post-office address given by the applicant and shall make return of the manner in which such notice was served upon said applicant upon the original notice thereof and immediately file same with the clerk of the board of tax adjustment of said county. The third copy of said notice shall likewise have entered upon it the return of the property appraiser as to service had and filed among the permanent records of his office. The original notice of disapproval of application for exemption, with entry of service upon the applicant, when filed with the clerk of the board of tax adjustment shall constitute an appeal of the applicant from the decision of the property appraiser refusing to allow the exemption for which application was made to the board of tax adjustment, and said board shall review the application and evidence presented to the property appraiser upon which the applicant based his claim for exemption and shall hear the applicant in person or by agent on behalf of his right to such exemption, and the board of tax adjustment shall reverse the decision of the property appraiser in said cause and grant exemption to the applicant if in its judgment the applicant is entitled thereto, or affirm the decision of the property appraiser. Such action of the board shall be final in said cause unless the applicant shall, within 15 days from the date of refusal of said application of said board of tax adjustment, file in the circuit court of the county in which the homestead is situated a proceeding against the property appraiser for a declaratory judgment as is provided by chapter 86 or other appropriate proceeding. The failure of the taxpayer to appear before the property appraiser or board of tax adjustment or to file any paper other than the application above provided shall not constitute any bar or defense to said proceedings.

Section 9. Section 195.032, Florida Statutes, is amended to read:

195.032 Establishment of standards of value.—In furtherance of the requirement set out in s. 195.002, the Department of Revenue shall establish and promulgate standard measures of value not inconsistent with those standards provided by law, to be used by property appraisers in all counties, including taxing districts, to aid and assist them in arriving at assess-

ments of all property. *The standard measures of value shall provide guidelines for the valuation of property and methods for property appraisers to employ in arriving at the just valuation of particular types of property consistent with s. 193.011 and s. 193.161. The standard measures of value shall assist the property appraiser in the valuation of property and deemed prima facie correct, but shall not be deemed to establish the just value of any property. These standard measures of value shall be deemed and hold prima facie to be the standard measures of just valuation contemplated by the Constitution of this state in matters of taxation. Property appraisers and tax adjustment boards shall follow and apply such standard measures of value in arriving at assessments of all property, and the burden shall be upon any property appraiser or board of tax adjustment refusing to following such standards to overcome the presumption by preponderance of the evidence.*

Section 10. Section 195.062, Florida Statutes, is amended to read:

195.062 Manual of instructions.—The department shall prepare and maintain a current manual of instructions for property appraisers and other officials connected with the administration of property taxes. This manual shall contain all

- (a) rules and regulations,
- (b) standard measures of value and
- (c) forms, and instructions relating to the use of forms and maps.

Provided, consistent with s. 195.032, item (b) shall generally conform to the procedures set forth in s. 120.54, but shall not have the force or effect of such rules and shall be used only to assist tax officers in the assessment of property as provided by s. 195.002. rules and regulations, all instructions relating to the use of forms and maps, standard assessment procedures, and the standard measures of value prescribed by the department or by general law. The department may also include in such manual any other information which it deems pertinent or helpful in the administration of taxes. Such manual shall instruct that the mere recordation of a plat on previously unplatted acreage shall not be construed as evidence of sufficient change in the character of the land to require reassessment until such time as development is begun on the platted acreage. Such manual shall be made available for distribution to the public at a nominal cost, to include cost of printing and circulation.

Section 11. Section 196.200, Florida Statutes, is created to read:

196.200 Exemption for property owned by a not for profit sewer and water company.—

(1) Property of any sewer and water company owned or operated by a Florida corporation, not for profit, the income from which has been exempt as of January 1 of the year for which the exemption from ad valorem property taxes is requested from federal income taxation by having qualified under s. 115(a) of the Internal Revenue Code of 1954 or of a corresponding section of a subsequently enacted federal revenue act, shall be exempt from ad valorem taxation, provided that the following criteria for exemption are met by the not for profit sewer and water company:

- (a) Net income derived by the company does not inure to any private shareholder or individual.
- (b) Gross receipts do not constitute gross income for federal income tax purposes.
- (c) Members of the company's governing board serve without compensation.
- (d) Rates for services rendered by the company are established by the governing board of the county or counties within which the company provides service, or by the Public Service Commission in those counties in which rates are regulated by the Commission.
- (e) Ownership of the company reverts to the county in which the company conducts its business upon retirement of all outstanding indebtedness of the company.

(2) No exemption authorized pursuant to this section shall be granted unless the company applies to the property ap-

praiser on or before March 1 of each year for such exemption. In its annual application for exemption, the company shall provide the property appraiser with the following information:

(a) Financial statements for the immediately preceding fiscal year, certified by an independent certified public accountant, showing the financial condition and records of operation of the company for that fiscal year.

(b) Any other records or information as may be requested by the property appraiser for the purposes of determining whether the requirements of subsection (1) have been met.

(c) The exemption from ad valorem taxation shall not be granted to a not for profit sewer and water company unless the company meets the criteria set forth in subsection (1). In determining whether the company is operated as a profit-making venture, the property appraiser shall consider the following:

1. Any advances or payments directly or indirectly by way of salary, fee, loan, gift, bonus, gratuity, drawing account, commission, or otherwise (except for reimbursement of advances for reasonable out-of-pocket expenses incurred on behalf of the applicant) to any person, company, or other entity directly or indirectly controlled by such persons, or which pays any compensation to its officers, directors, trustees, members, or stockholders for services rendered to or on behalf of the corporation;

2. Any contractual arrangement by the corporation with any officer, director, trustee, member, or stockholder of the corporation regarding rendition of services, the provision of goods or supplies, the management of applicant, the construction or renovation of the property of the corporation, the procurement of the real, personal, or intangible property of the corporation or other similar financial interest in the affairs of the corporation;

3. The reasonableness of payments made for salaries for the operations of the corporation or for services, supplies, and materials used by the corporation, reserves for repair, replacement, and depreciation of the property of the corporation, payment of mortgages, liens, and encumbrances upon the property of the corporation, or other purposes.

Section 12. Section 196.1975, Florida Statutes, is created to read:

196.1975 Additional provisions for exempting property used by homes for the aged.—In addition to criteria for granting exemptions for charitable use of property set forth in other sections of this chapter, homes for the aged shall be exempt to the extent that they meet the following criteria:

(1) The applicant must be a Florida corporation, not for profit, that has been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt organization under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(2) Licensing by the Department of Health and Rehabilitative Services shall not be required for tax exemption hereunder if a home for the aged applicant requires its residents to be ambulatory, furnishes no medical facilities, nursing services, or dining services to its residents, and is exempt from the payment of income taxes to the United States for income derived from the operation of the home.

(3) Portions of the home for the aged devoted exclusively to the conduct of religious services or the rendering of nursing or medical services shall be exempt from ad valorem taxation.

(4) After removing the assessed value exempted in subsection (3), homes for the aged shall be deemed to be used for charitable purposes only to the extent that residency in the applicant home is restricted to or occupied by:

(a) Persons having a gross income of not more than \$7,200 per year who are 62 years of age or older.

(b) Couples, one of whom must be 62 years of age or older, having a combined gross income of not more than \$8,000 per year.

(c) Persons who are totally and permanently disabled and have gross incomes of not more than \$7,200 per year.

(d) Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than \$8,000 per year.

(e) Persons who meet the requirements set forth in (a), (b), (c) or (d) above and who have resided therein and in good faith made the State of Florida their permanent home for 5 consecutive years prior to January 1 of the year in which exemption is claimed; provided, however, that the requirement for five consecutive years residence shall not apply to any person who has lived in the home for the aged on and before July 4, 1976.

(f) For the purposes of this section, gross income shall include social security benefits payable to the person or couple or assigned to an organization designated specifically for the support or benefit of that person or couple. It is hereby declared to be the intent of the Legislature that this section implements the ad valorem tax exemption authorized in the third sentence of Section 3(a) of Article VII of the State Constitution, for purposes of granting such exemption to homes for the aged. The Legislature, while recognizing that problems facing the aged of the state frequently require the expenditure of public funds or the extending of charity to the aged by nongovernmental entities, it is to be realized that not all aged persons are in need of public or private assistance. Age has its drawbacks and hardships which require special care and attention that are aggravated by indigency. Homes for the aged frequently provide such care and attention, but a home for the aged does not necessarily serve a charitable purpose. Charity is a function performed to help those in need of assistance and is not necessarily based exclusively on age. It is for this reason that the Legislature hereby provides criteria to be used by the state's property appraisers and boards of tax adjustment in determining whether a particular home for the aged is being used for a charitable purpose and is thereby entitled to an exemption from ad valorem taxation.

(5) The maximum income limitations permitted in subsection (4) shall be adjusted, effective January 1, 1977, and on each succeeding year, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(6) Physical occupancy on January 1 shall not be required in those instances in which a home restricts occupancy to persons meeting the income requirements specified in this section. Those portions of such property failing to meet those requirements shall qualify for an alternative exemption as provided in subsection (7). In those homes in which at least 25 percent of the units or apartments of the home are restricted to or occupied by persons meeting the income requirements specified in this section, the common areas of said home shall be exempt from taxation.

(7)(a) Each unit or apartment of homes for the aged which are owned and operated by a Florida corporation organized under the provisions of chapter 617 not exempted in subsections (3) or (4), which property is used by such homes for the aged for the purposes for which they were organized, shall be exempt from all ad valorem taxation, except for assessments for special benefits, to the extent of \$5,000 of assessed valuation of such property for each apartment or unit:

1. Which is used by such homes for the aged for the purposes for which they were organized, and

2. Which is occupied on January 1 of the year in which exemption from ad valorem property taxation is requested, by a person who resides therein and in good faith makes the same his or her permanent home.

(b) The exception provided for in paragraph (a) shall be increased to \$10,000 of assessed valuation for taxes levied by governing bodies of school districts, counties, municipalities, and special districts for each apartment or unit:

1. Which is used by such homes for the aged for the purpose for which they were organized, and

2. Which is occupied on January 1 of the year in which exemption from ad valorem property taxation is requested by a person who is 65 years of age or older and who has resided therein and in good faith made the State of Florida his or her permanent home for the 5 consecutive years prior to such date; provided, however, that the requirement for five consecutive years residence shall not apply to any per-

son who have lived in the home for the aged on or before July 4, 1976.

(c)1. Each applicant home for an exemption under paragraph (a) shall file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption under said paragraph is claimed, stating that he or she resides therein and in good faith makes the same his or her permanent home.

2. Each applicant home for the increased exemption under paragraph (b) shall file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which such increased exemption is claimed, stating that he or she was 65 years of age or older on January 1 of the year in which the exemption is claimed and that he or she has resided in the state for the 5 consecutive years prior to such date.

(d) The words "permanent home" as used in this section shall not be construed so as to require a continuous physical residence in such unit or apartment but means only that the person occupying such apartment or unit rightfully and in good faith calls it his or her home to the exclusion of all other places where he or she may, from time to time, temporarily reside.

Section 13. Subsection (6) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter the following terms are defined as follows except where the context clearly indicates otherwise:

(6) "Charitable purpose" means a function or service which is of such a community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service.

Section 14. Subsections (6) and (7) of section 196.197, Florida Statutes, are amended to read:

196.197 Additional provisions for exempting property used by hospitals, nursing homes, and homes for special services ~~and homes for the aged~~.—In addition to criteria for granting exemptions for charitable use of property set forth in other sections of this chapter, hospitals, nursing homes, and homes for special services, ~~and homes for the aged~~ shall be exempt to the extent that they meet the following criteria:

(6) The applicant must be a Florida corporation, not for profit, that has been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

(7) In determining the extent of exemption to be granted to institutions licensed as hospitals, nursing homes, and homes for special services portions of the property leased as parking lots or parking garages operated by private enterprise ~~and property used for the treatment of private outpatients~~ shall not be deemed to be serving an exempt purpose and shall not be exempt from taxation. ~~Hospital emergency rooms, hospital clinical facilities, and other hospital~~ Property or facilities which are leased to a nonprofit corporation which provides direct medical services to patients in a nonprofit or public hospital and qualifies under s. 196.196 of this chapter are excluded and shall be exempt from taxation.

Section 15. Subsections (1), (2), (3), (4), (5), (8), and (9) of section 196.197, Florida Statutes, as amended by chapter 74-264, Laws of Florida, are hereby repealed.

Section 16. Subsection (4) of section 195.027, Florida Statutes, is hereby repealed.

Section 17. Section 196.101, Florida Statutes, is amended to read:

196.101 Exemption for totally and permanently disabled persons ~~quadriplegics~~—

(1) Any real estate used and owned as a homestead by any quadriplegic, paraplegic, hemiplegic, or other totally and permanently disabled person, as defined in s. 196.012(10), who must use a wheelchair for mobility or who is legally blind, shall be exempt from taxation.

(2) The production by any *totally and permanently disabled person* ~~quadriplegic~~ of a certificate of such disability from two licensed ~~physicians~~ ~~doctors~~ of this state or from the Veterans' Administration to the [property appraiser] of the county wherein the property lies, shall be *prima facie* evidence of the fact that he is entitled to such exemption.

(3) Persons entitled to the exemption in subsection (1) must be a resident of this state for five consecutive years prior to claiming the exemption under this section. Submission of an affidavit that the applicant claiming the exemption under this section has been a permanent resident of this state for the five years preceding the date of application shall be *prima facie* proof of such residence. Provided, however, that the income of all persons residing in or upon the homestead shall not exceed \$8,200. For purposes of this section, gross income shall include social security benefits payable to the person.

(4) The physician's certification shall read as follows:

PHYSICIAN'S CERTIFICATION

OF

TOTAL AND PERMANENT DISABILITY

I, _____ (name of physician) _____, a physician licensed pursuant to chapter 458, Florida Statutes, hereby certify Mr. _____ Mrs. _____ Miss _____ Ms. _____ (name of totally and permanently disabled person) _____, social security number _____, is totally and permanently disabled as of January 1, _____ (year) _____ due to the following mental or physical condition(s): _____

and that the foregoing statements are true, correct, and complete to the best of my knowledge and professional belief.

Signature _____

Date _____

Florida Board of Medical Examiners license number _____

Issued on _____

NOTICE TO TAXPAYER: Each Florida resident applying for a total and permanent disability exemption must present to the county property appraiser, on or before March 1 of each year, a copy of this form (or a letter from the United States Veterans' Administration). Each form is to be completed by a licensed Florida physician.

NOTICE TO TAXPAYER AND PHYSICIAN: Section 196.131(2), Florida Statutes, states that, "Any person who shall knowingly give false information for the purpose of claiming homestead exemption _____ shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083," or, in other words, punishable by a term of imprisonment not exceeding 60 days or a fine not exceeding \$500.

Section 18. Subsection (1) of section 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(1) At the time the assessment roll is prepared and published, the [property appraiser] shall certify to each taxing authority the taxable value within the jurisdiction of the taxing authority. The [property appraiser] shall also send to each taxing authority a copy of the statement required to be submitted under s. 195.073(3), as applicable to that taxing authority. Exclusive of new construction, improvements, and deletions, the [property appraiser] shall certify to each taxing authority a millage rate which will provide the same ad valorem tax revenue for each taxing authority as was levied during the prior year. For the purpose of calculating the certified millage, the [property appraiser] shall use 100 % percent of such taxable value.

Section 19. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable. Provided, however, if any provision of s. 196.1975 or s. 196.197(6) or (7), Florida Statutes, created and amended by this act, is held to be invalid or inoperative for any reason, the renaming provisions of s. 196.1975 or 196.197(6) or (7), Florida Statutes, shall be deemed to be void and of no effect, it being the legislative intent that these sections relating to homes for the aged and

nursing homes and homes for special services would not have been adopted had such provision which has been held to be invalid or inoperative not been included.

Section 20. This act shall take effect July 1, 1976, provided that the provisions of subsection (2) of section 194.011, Florida Statutes, shall take effect with the 1978 tax year.

Senator Holloway moved the following amendment to House Amendment 1 which was adopted:

Amendment 1 to House Amendment 1—On page numbered 24, strike all of lines 23-27 and insert: (1) Any real estate used and owned as a homestead by any quadriplegic shall be exempt from taxation.

(2) Any real estate used and owned as a homestead by paraplegic, hemiplegic, or other totally and permanently disabled person, as defined in s. 196.012(10), who must use a wheelchair for mobility or who is legally blind, shall be exempt from taxation.

(Renumber subsequent subsections)

Amendment 2—Strike the entire title and insert the following: An act relating to ad valorem taxation; amending s. 194.011(2) and (3), Florida Statutes, to provide taxpayer information in property appraisers' notice of assessment, requiring informal conferences between taxpayer and property appraiser if requested by taxpayer, providing specificity in appeals to board of tax adjustment by taxpayer; amending s. 194.015, Florida Statutes, requiring election of board of tax adjustment members from respective governing bodies, requiring quorum at all board meetings, allowing per diem compensation if both county and school governing bodies elect to allow such compensation, providing for selection of counsel to the board, requiring counsel's presence at board meetings; amending s. 194.032(2), (3), (4) and (5), and creating subsection (6) of said section, allowing removal from office of board members for repeated failure to convene board meetings at scheduled time, requiring formal hearings of board, providing procedures for selection of special masters, providing notice of board decisions to taxpayer, property appraiser, and department, providing appeals procedures of board decisions; amending s. 194.181(1) and (2), Florida Statutes, providing for parties plaintiff and parties defendant in any tax suit brought pursuant to s. 194.032(6); amending s. 193.122(1), (2) and (4), Florida Statutes, deleting authority for appeal of board of tax adjustment decisions to Department of Revenue, providing for certification of tax rolls in cases where board of tax adjustment decisions are appealed; amending s. 193.052(2), Florida Statutes, conforming filing date for agricultural assessment with existing language in s. 193.461, Florida Statutes, amending s. 196.011(3), Florida Statutes, providing a technical amendment to conform date of exemption applications to conform to existing filing date found in s. 196.011(1), Florida Statutes; amending s. 196.151, Florida Statutes, providing a technical amendment to conform date of homestead exemption applications to existing filing date found in s. 196.011(1) Florida Statutes; amending s. 195.032, Florida Statutes, relating to standard measures of value, providing that the standard of value shall be deemed *prima facie* correct, but shall not be deemed to establish the just value of any property; amending s. 195.062, Florida Statutes, relating to department's manual of instructions, to clarify requirements relating to contents and procedures for adopting the manual; creating s. 196.200, Florida Statutes, providing for exemption for property owned by not for profit sewer and water companies under certain conditions; creating s. 196.1975, Florida Statutes, providing criteria with respect to exemptions from the tax for homes for the aged; providing for annual adjustment of certain limitations; providing for an exemption for certain units or apartments which are a part of an otherwise nonexempt home for the aged; providing limitations; providing for applications; amending s. 196.012(6), Florida Statutes, redefining the term "charitable purpose," as such term is used with respect to exemptions from ad valorem taxation; amending s. 196.197(6) and (7), Florida Statutes, providing criteria with respect to exemption from the tax for property used by hospitals, nursing homes, and homes for special services; repealing s. 196.197(1), (2), (3), (4), (5), (8), and (9), Florida Statutes, as amended, relating to criteria for exempting property used by homes for the aged; repealing s. 195.027(4), Florida Statutes, which requires the rules of the Department of Revenue to provide for a uniform parcel numbering system;

amending s. 196.101, Florida Statutes, entitling certain paraplegics, hemiplegics, blind persons, and other totally and permanently disabled persons to total ad valorem tax exemption under certain circumstances; amending s. 200.065(1), Florida Statutes, changing the formula by which the certified millage is calculated by the property appraiser; providing a severability clause; providing an effective date.

On motion by Senator Johnston, the Senate concurred in House Amendment 1 as amended and House Amendment 2 and the House was requested to concur in the Senate amendment to the House amendment.

CS for SB 512 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Henderson | Plante | Thomas, P. |
| Childers, D. | Holloway | Poston | Tobiassen |
| Childers, W. D. | Johnston | Renick | Trask |
| Deeb | Lane, D. | Saunders | Ware |
| Firestone | Lewis | Sims | Winn |
| Gallen | MacKay | Spicola | Zinkil |
| Gordon | Myers | Stolzenburg | |
| Graham | Peterson | Thomas, J. | |

Nays—None

Vote after roll call:

Yea—Dunn

On motion by Senator Graham, the Senate reconsidered the vote by which CS for SB 512 as amended passed.

On motions by Senator Graham, the Senate reconsidered the vote by which the Senate concurred in House Amendment 1 as amended and House Amendment 2.

Senator Graham moved the following amendments which were adopted:

Amendment 2 to House Amendment 1—On page 26, strike lines 17-30, and on page 27, strike lines 1 and 2

(Renumber subsequent sections)

Amendment 1 to House Amendment 2—On page 3, line 29, strike all after the semicolon (;), all of lines 30 and 31, and on page 4, line 1, strike the word "appraiser" and the first semicolon (;)

On motions by Senator Graham, the Senate concurred in House Amendment 1 as further amended and House Amendment 2 as amended and the House was requested to concur in the Senate amendments.

CS for SB 512 as further amended passed and was certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Hair | Myers | Thomas, J. |
| Brantley | Henderson | Plante | Thomas, P. |
| Childers, D. | Holloway | Poston | Tobiassen |
| Childers, W. D. | Johnston | Renick | Trask |
| Dunn | Lane, D. | Saunders | Vogt |
| Firestone | Lane, J. | Scarborough | Ware |
| Gallen | Lewis | Sims | Winn |
| Glisson | MacKay | Spicola | Zinkil |
| Graham | McClain | Stolzenburg | |

Nays—None

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 4 and has amended Senate Amendment 1, concurred in same as amended and passed HB 4147, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health & Rehabilitative Services and Representative Gordon—

HB 4147—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending chapter 75-190, Laws of Florida, relating to the department's authority to establish and require payment of certain charges and fees for services, removing a provision for automatic repeal of the act; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 1, line 6, after "parents" insert: , if client is a minor,

On motion by Senator Graham, the Senate concurred in House Amendment 1 to Senate Amendment 1.

HB 4147 passed as amended by the House amendment to the Senate amendment and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-----------|-------------|------------|
| Brantley | Hair | Poston | Thomas, P. |
| Childers, D. | Henderson | Renick | Tobiassen |
| Childers, W. D. | Holloway | Saunders | Trask |
| Dunn | Johnston | Scarborough | Ware |
| Firestone | Lewis | Sims | Winn |
| Gallen | MacKay | Spicola | Zinkil |
| Gordon | Myers | Stolzenburg | |
| Graham | Plante | Thomas, J. | |

Nays—None

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Sims—

SB 70—A bill to be entitled An act relating to the Florida Uniform Traffic Control Law; amending s. 316.183(3), Florida Statutes; prohibiting school buses from exceeding the maximum speed limits provided for vehicles over 8,000 pounds; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 26, insert: Section 2. Subsection (8) of section 316.184, Florida Statutes, is amended to read:

316.184 Establishment of school speed zones, enforcement; designation.—

(8) All flags, belts, apparel, and devices issued, supplied, or furnished to pupils or persons acting in the capacity of school safety patrols, special school police, or special police appointed to control and direct traffic at or near schools, *when used during periods of darkness shall be made at least in part with retroreflective materials so as to be visible at night at 300 feet to approaching motorists when viewed under in order to enhance the conspicuity of such pupils or persons, shall be made from retroreflective and fluorescent materials, visible both day and night at 300 feet to approaching motorists using lawful low-beam headlights.*

Renumber subsequent section

Amendment 2—In the title on page 1, line 8, after the ; insert: amending section 316.184(8), Florida Statutes, removing the requirement for retroreflective devices; adding a new subsection (3) to s. 316.182, Florida Statutes, authorizing charter counties to regulate speed in school zones in all areas of the county in accordance with speed limits established by law;

On motion by Senator Sims, the Senate concurred in House Amendments 1 and 2 to SB 70.

SB 70 passed as amended by the House amendments, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|-----------|-------------|-------------|
| Brantley | Graham | Peterson | Stolzenburg |
| Childers, D. | Hair | Plante | Thomas, J. |
| Childers, W. D. | Henderson | Poston | Thomas, P. |
| Deeb | Holloway | Renick | Tobiassen |
| Dunn | Johnston | Saunders | Trask |
| Firestone | Lewis | Scarborough | Ware |
| Gallen | MacKay | Sims | Winn |
| Gordon | Myers | Spicola | Zinkil |

Nays—None.

The bill was ordered engrossed and then enrolled.

The President presiding

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 4240 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hutto—

HCR 4240—A concurrent resolution commending Mary Jo Rankin.

—was read the first time by title. On motion by Senator Plante, the rules were waived and the bill was placed on the calendar.

On motion by Senator Plante, the President appointed Senators W. D. Childers, Saunders and P. Thomas as a committee to escort Mary Jo Rankin, Florida's Miss Junior Miss, to the rostrum.

On motion by Senator Plante, HCR 4240 was taken up out of order.

On motion by Senator Plante, by two-thirds vote HCR 4240 was read the second time in full, adopted and certified to the House.

Miss Rankin addressed the Senate briefly.

Special Order, continued

By Representative Hutto and others—

HB 3121—A bill to be entitled An act relating to state government, interagency disputes between executive agencies; defining "agency"; prohibiting the institution of an action by an agency against another agency; providing that after good faith efforts and negotiations the final resolution of any dispute shall be made by the Governor and Cabinet and further may intervene to make a final resolution of such disputes at any time; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 3121 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|-----------|-------------|-------------|
| Mr. President | Gordon | MacKay | Spicola |
| Brantley | Graham | McClain | Stolzenburg |
| Childers, D. | Hair | Myers | Thomas, J. |
| Childers, W. D. | Henderson | Peterson | Thomas, P. |
| Deeb | Holloway | Poston | Tobiassen |
| Dunn | Johnston | Renick | Trask |
| Firestone | Lane, D. | Saunders | Ware |
| Gallen | Lane, J. | Scarborough | Zinkil |
| Glisson | Lewis | Sims | |

Nays—None

Votes after roll call:

Yeas to Nays—Henderson and Spicola

HB 3870—A bill to be entitled An act relating to the Legislature; amending s. 11.145, Florida Statutes, to remove the

statutory requirement that legislative standing committees submit certain reports prior to the convening of each regular session; providing an effective date.

—was read the second time by title. On motion by Senator Brantley by two-thirds vote HB 3870 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Gordon | McClain | Thomas, J. |
| Brantley | Graham | Myers | Thomas, P. |
| Childers, D. | Henderson | Peterson | Tobiassen |
| Childers, W. D. | Holloway | Poston | Trask |
| Deeb | Johnston | Renick | Ware |
| Dunn | Lane, D. | Scarborough | Winn |
| Firestone | Lane, J. | Sims | Zinkil |
| Gallen | Lewis | Spicola | |
| Glisson | MacKay | Stolzenburg | |

Nays—None

Senator Zinkil moved that the Senate reconsider the vote by which CS for HB 3170 failed to pass this day.

On motion by Senator Plante, by two-thirds vote CS for HB 3170 was scheduled as a special and continuing order at 4:30 p.m.

Senator Scarborough presiding

Pursuant to the motion by Senator Plante, the Senate took up—

CS for HB 3170—A bill to be entitled An act relating to public health; amending s. 381.272(2) and (3), Florida Statutes, relating to sewage disposal facilities, exempting certain undeveloped private property from certain requirements of chapter 10D-6, Florida Administrative Code; providing an effective date.

—which was pending roll call. CS for HB 3170 as amended passed and was certified to the House. The vote on passage was:

Yeas—20

| | | | |
|-----------------|----------|-------------|------------|
| Barron | Lane, J. | Renick | Thomas, P. |
| Childers, W. D. | Lewis | Scarborough | Tobiassen |
| Deeb | McClain | Sims | Trask |
| Glisson | Plante | Stolzenburg | Ware |
| Hair | Poston | Thomas, J. | Zinkil |

Nays—13

| | | | |
|--------------|-----------|----------|---------|
| Childers, D. | Gordon | Johnston | Spicola |
| Dunn | Graham | MacKay | |
| Firestone | Henderson | Myers | |
| Gallen | Holloway | Saunders | |

Senator Gordon moved that the Senate resume consideration of HJR 1779 at 4:45 p.m. The motion was adopted.

The President presiding

On motion by Senator Wilson the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Wilson and others—

SB 798—A bill to be entitled An act creating the "Florida Sunset Law of 1976"; providing for the termination of enumerated state governmental units and their subunits on listed dates; providing a deadline for reaching a recommendation as to continuance or termination on the February 15th immediately following review; providing that any unit or subunit

which is terminated shall have 1 year in which to conclude its affairs after which time the specified unit, subunits and their personnel positions would be abolished and providing for reversion of funds; providing for an 8-year limit on the life of any continued or newly created unit or subunit after which time review and evaluation procedures shall be repeated; providing for public hearings on the sufficient public need of units and subunits under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation"; providing for a select committee to assist in the implementation of the provisions of this act; providing that appropriate House and Senate committees, upon assignment of the Speaker and President, respectively, shall sit jointly and complete the review and evaluation process and that their recommendation report shall be submitted to the Legislature for distribution prior to the ensuing legislative session; providing for voting as to the termination or continuance of any unit or subunit by simple majority vote of both Houses; providing for the Auditor General to assist in the review and evaluation processes; providing that the Governor be urged to adopt a "zero-based review and evaluation" budgetary procedure; providing for the retention of all claims and rights of citizens; providing for severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 23, strike everything after the enacting clause and insert: Section 1. Short title.— This act shall be known as the "Florida Sunset Law of 1976."

Section 2. The following units of government and their respective subunits shall be reviewed on the given dates:

(1) On July 1, 1978, the following units of government, their respective subunits, and all powers, duties, and functions adhering to said units and subunits shall be reviewed:

- (a) Department of Business Regulation;
- (b) Board of Business Regulation;
- (c) Department of Professional and Occupational Regulation; and
- (d) Department of Commerce.

(2) On July 1, 1979, the following units of government, their respective subunits, and all powers, duties, and functions adhering to said units and subunits shall be reviewed:

- (a) Public Service Commission;
- (b) Department of Revenue;
- (c) Department of Banking and Finance;
- (d) Department of Insurance; and
- (e) Department of Community Affairs.

(3) On July 1, 1980, the following units of government, their respective subunits, and all powers, duties, and functions adhering to said units and subunits shall be reviewed:

- (a) Department of Transportation;
- (b) Department of Highway Safety and Motor Vehicles;
- (c) Department of General Services;
- (d) Department of Military Affairs; and
- (e) Armory Board.

(4) On July 1, 1981, the following units of government, their respective subunits, and all powers, duties, and functions adhering to said units and subunits shall be reviewed:

- (a) Department of Health and Rehabilitative Services;
- (b) Department of Offender Rehabilitation;
- (c) Department of Criminal Law Enforcement;
- (d) Department of Legal Affairs; and
- (e) Parole and Probation Commission.

(5) On July 1, 1982, the following units of government, their respective subunits, and all powers, duties, and functions adhering to said units and subunits shall be reviewed:

- (a) Department of Education; and
- (b) Board of Education.

(6) On July 1, 1983, the following units of government, their respective subunits, and all powers, duties, and functions adhering to said units and subunits shall be reviewed:

- (a) Department of Administration;
- (b) Department of State;
- (c) Career Service Commission; and
- (d) Human Relations Commission.

(7) On July 1, 1984, the following units of government, their respective subunits, and all powers, duties, and functions adhering to said units and subunits shall be reviewed:

- (a) Department of Environmental Regulation;
- (b) Department of Natural Resources; and
- (c) Environmental Regulation Commission.

(8) On July 1, 1985, the following units of government, their respective subunits, and all powers, duties, and functions adhering to said units and subunits shall be reviewed:

- (a) Department of Citrus;
- (b) Department of Agriculture and Consumer Services; and
- (c) Florida Citrus Commission.

Section 3. Legislative committee review of state units and their subunits shall begin 1 year prior to their respective review dates as enumerated in Section 2, and shall conclude with a recommendation for continuation, reorganization, or termination on or before the February 15th immediately following the review. If the recommendation of the committee is to continue the agency under its present organizational structure, then no further action by the Legislature will be required for continuation. If the recommendation of the committee is to terminate or reorganize the agency, or any unit or subunit thereof, then the recommendation of the committee shall be prepared in bill form and filed by the committee in both the Senate and the House of Representatives and shall become effective only upon majority vote of both houses.

Section 4. Any unit or subunit of government specified in Section 2 which is terminated shall have a period of 1 year for the purpose of ceasing its affairs, and termination shall not reduce or otherwise limit the powers, duties, or functions of each in this regard. Upon the expiration of this 1-year period, the specified unit, its subunits, and its personnel positions shall be abolished with all unexpended funds reverting back to the fund from which that appropriation was made.

Section 5. The statutory authority for each source of state revenue levied for support of the unit of government shall expire with the termination of the unit of government as provided in Section 3 of this act.

Section 6. The review of any enumerated unit or its subunit shall be reconducted 8 years from the date of initial review as enumerated in Section 2, after which time review and evaluation pursuant to the provisions of this act shall be repeated every 8 years.

Section 7. Pursuant to the language of Section 3, the legislative committees reviewing such units and subunits shall hold public hearings and receive testimony from the public and all interested parties. All units and subunits shall provide the reviewing and evaluating committees with the following information:

- (1) The identity of all units and subunits under the direct or advisory control of the unit or subunit under review;
- (2) All powers, duties and functions currently performed by the unit or subunit under review;
- (3) All constitutional, statutory, or other authority under which said powers, duties and functions of the unit or subunit are carried out;

(4) Any powers, duties or functions which, in the opinion of the unit or subunit under review, are being performed and duplicated by another unit or subunit within the state including the manner in which, and the extent to which, this duplication of efforts is occurring and any recommendations as to eliminating such a situation;

(5) Any powers, duties or functions which, in the opinion of the unit or subunit under review, are inconsistent with current and projected public demands and should be terminated or altered; and

(6) Any other information which the reviewing committees, in their discretion, feel is necessary and proper in carrying out their review and evaluative duties.

Section 8. In said public hearings, the determination as to whether a sufficient public need for continuance is present shall take into consideration the following factors concerning the unit or subunit under review and evaluation:

(1) The extent to which any information required to be furnished to the reviewing committees pursuant to Section 7 has been omitted, misstated, or refused, and the extent to which conclusions reasonably drawn from said information are adverse to the legislative intent inherent in the powers, duties, and functions as established in the enabling legislation creating said unit or subunit or are inconsistent with present or projected public demands or needs;

(2) The extent to which statutory changes have been recommended which would benefit the public in general as opposed to benefiting the unit or subunit;

(3) The extent to which operation has been efficient and responsive to public needs;

(4) The extent to which it has been encouraged that persons regulated report to the unit or subunits concerning the impact of rules and decisions regarding improved service, economy of service, or availability of service to the public;

(5) The extent to which the public has been encouraged to participate in rule-and-decision-making as opposed to participation solely by persons regulated;

(6) The extent to which complaints have been expeditiously processed to completion in the public interest; and

(7) Any other relevant criteria which the reviewing committees, in their discretion, deem necessary and proper in reviewing and evaluating the sufficient public need for continuance of the respective unit or its subunits.

Section 9. In conjunction with the criteria enumerated in Section 8, one criterion which shall be used in determining sufficient public need in such public hearings shall be a "zero-based review and evaluation." A "zero-based review and evaluation" shall be a comprehensive review and evaluation to determine if the merits of a unit or subunit support continuation rather than termination and to reach a finding as to what amounts of funding, if any, shall be authorized to produce correspondingly greater or lesser levels of service output. Such a procedure shall necessitate the review and evaluation of all powers, duties and functions which currently adhere to a unit or subunit as well as any request for additions to said powers, duties, or functions when reviewing the sufficient public need of a unit or subunit. Said "zero-based review and evaluation" shall include, but not be limited to, the following factors:

(1) An identification of other governmental units or subunits having the same or similar objectives along with a comparison of the cost and effectiveness of said units and subunits and any duplication of the unit or subunit under review;

(2) Any identification of any unit or subunit which has not received and expended state tax dollar revenues within a period of 2 years prior to said hearings;

(3) An examination of the extent to which the objectives of the unit or its subunits have been achieved in comparison with the objectives as initially set forth in the enabling legislation and an analysis of any significant variance between projected and actual performance;

(4) A specification, to the extent feasible, in quantitative terms, of the objectives of said unit or its subunits for the next 8 years; and

(5) An examination of the impact of said unit or subunits on the economy of the state.

Section 10. The Speaker of the House and the President of the Senate shall act to appoint a select joint committee of not less than ten nor more than fifteen members to be named no later than January 1, 1977. Said select joint committee shall be charged with the duty of assisting in the implementation of the procedures of this act and shall be charged with the duty of establishing administrative procedures which shall facilitate the review and evaluation procedure as provided for in this act. The appropriate committees of both the House and Senate, upon assignment by the Speaker and the President, respectively, and sitting jointly shall be responsible for completing the review and evaluation procedures of this act. A report of their recommendations shall be completed pursuant to Section 3 and shall be submitted to the offices of the Speaker and the President for distribution to legislators prior to the ensuing legislative session.

Section 11. Termination or reorganization of any unit or subunit shall be by simple majority vote of both the House and the Senate as provided in Section 3.

Section 12. The Auditor General of the state shall furnish, upon request of the reviewing and evaluating committees, any relevant information including the results of prior audits and reviews of any unit or subunit under review.

Section 13. Prior to the transmission of the budget for a fiscal year, the Governor is urged to conduct a "zero-based review and evaluation" of each state unit and subunit pursuant to the provisions of Section 9. The budget transmitted shall include a report of the results of this "zero-based review and evaluation" so conducted together with the recommendation of the Governor with respect thereto.

Section 14. This act shall not cause the dismissal of any claim or right of a citizen against any state unit or subunit terminated pursuant to the provisions of this act which is subject to administrative hearing or litigation.

Section 15. Nothing in this act shall be construed to abrogate any powers, duties, or functions of any elected official, unit or subunit established by the people of Florida in the Constitution. The Legislature shall make adequate provisions by law for the proper functions of state government contemplated by the Constitution. Nothing herein shall be construed to abrogate or transfer any legislative powers from the Legislature of the state to any other branch of government. Further, adequate provision shall be made to protect the integrity of any outstanding bonds issued by any governmental unit subsequently terminated by this act. If any provision of this act or the application thereof to any person or circumstance is held invalid, it shall be the intent of the Legislature that the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application. To this end the provisions of this act are declared severable.

Section 16. This act shall take effect upon becoming a law.

Amendment 2—In the title and "Whereas" clauses, on page 1, strike lines 3-31, on page 2, strike lines 1-30, and on page 3, strike lines 1-21 and insert: A bill to be entitled An act creating the "Florida Sunset Law of 1976"; providing for the review of enumerated state governmental units and their subunits on listed dates; providing a deadline for reaching a recommendation as to continuance, reorganization, or termination on the February 15th immediately following review; providing that any unit or subunit which is terminated shall have 1 year in which to conclude its affairs after which time the specified unit, subunits and their personnel positions would be abolished and providing for reversion of funds; providing that review and evaluation procedures shall be repeated every 8 years; providing for public hearings on the sufficient public need of units and subunits under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation"; providing for a select committee to assist in the implementation of the provisions of this act; providing that appropriate House and Senate committees, upon assignment of the Speaker and President, respectively, shall sit jointly and complete the review and evaluation process and that their recommendation report shall be submitted to the Legislature for distribution prior to the ensuing legislative session; providing for voting as to the termination or reorganization of any unit or subunit by simple majority vote of both Houses; providing for the Auditor General to assist in the review and evaluation processes; providing that the Governor be urged to adopt a "zero-based

review and evaluation" budgetary procedure; providing for the retention of all claims and rights of citizens; providing for severability; providing an effective date.

WHEREAS, the Constitution of the State of Florida, as revised in 1968 and subsequently amended, declares that all political power is inherent in the people of the state and not in government, and

WHEREAS, the Governmental Reorganization Act, Chapter 20, Florida Statutes, declares that structural reorganization of government should be a continuing process through careful executive and legislative appraisal of the placement of proposed programs and the coordination of new programs in response to public needs, and

WHEREAS, said act further declares that management and coordination of state services should be improved with duplicative activities eliminated, and

WHEREAS, the assumption that bureaucracies and programs funded by taxpayers' dollars must always continue merely because they existed before, is contrary to the public interest, and

WHEREAS, the various regulatory agencies within this state have failed to exercise their authority in the interest and to the benefit of the citizens of Florida to thereby justify their continued unbridled expenditure of tax dollars and cost to the private sector from unnecessary regulation, and

WHEREAS, the growth, duplication, and waste present in state government necessitates that the Legislature demand justification for the continued funding of all state units and subunits, and

WHEREAS, the citizens of this state will no longer tolerate waste, inefficiency, and duplication, and

WHEREAS, the Legislature of the State of Florida by this act declares its intent to take immediate steps to insure that state government is cost-efficient, productive and operating to meet the current needs of the people of this state, and

WHEREAS, the Legislature of the State of Florida by this act declares its intent to establish a procedure to locate and eliminate wasteful, duplicative, and unresponsive state governmental units and programs, NOW, THEREFORE,

On motions by Senator Wilson, the Senate refused to concur in House Amendments 1 and 2 to SB 798 and the House was requested to recede, and in the event the House refused to recede a conference committee was requested. The action, with the bill and amendments, was certified to the House.

Senator Gordon moved that the rules be waived and time of adjournment be extended until final consideration of HJR 1779.

Senator Sims moved as a substitute motion that the rules be waived and time of adjournment be extended until final consideration of the report of the Select Committee on Executive Suspensions.

Senator Poston moved as an amendment to the substitute motion that the rules be waived and time of adjournment be extended until final consideration of HJR 1779 and the report of the Select Committee on Executive Suspensions. The motion failed.

The question recurred on the substitute motion which failed and the motion by Senator Gordon was withdrawn.

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until 6:00 p.m.

Special Order, continued

Pursuant to the motion by Senator Gordon, the Senate resumed consideration of—

HJR 1779—A joint resolution proposing an amendment to Article VII of the State Constitution to provide a new Section 16 relating to bonds for housing and related facilities.

Senators Saunders and Scarborough offered the following amendment which was moved by Senator Saunders and adopted:

Amendment 6—On page 2, strike lines 11-16 and insert: (d) The total bonds outstanding shall not exceed \$100,000,000 in any one fiscal year.

The vote was:

Yeas—22

| | | | |
|-----------------|-----------|-------------|--------|
| Mr. President | Henderson | Scarborough | Trask |
| Brantley | Johnston | Sims | Vogt |
| Childers, D. | Lewis | Spicola | Ware |
| Childers, W. D. | Plante | Stolzenburg | Wilson |
| Deeb | Saunders | Thomas, P. | |
| Glisson | Sayler | Tobiassen | |

Nays—15

| | | | |
|-----------|----------|---------|------------|
| Firestone | Holloway | McClain | Thomas, J. |
| Gordon | Lane, D. | Myers | Winn |
| Graham | Lane, J. | Poston | Zinkil |
| Hair | MacKay | Renick | |

Senators Saunders and Scarborough offered the following amendment which was moved by Senator Saunders and adopted:

Amendment 7—On page 2, lines 27-31, strike the words "state bonds pledging the" appearing on line 27 and strike lines 28-31 and insert: Limiting the bonds which may be outstanding in any one fiscal year to \$100,000,000,

Senator Gordon moved that the rules be waived and HJR 1779 be read the third time in full. The motion was adopted by two-thirds vote. The vote was:

Yeas—26

| | | | |
|--------------|----------|-------------|------------|
| Brantley | Graham | Myers | Thomas, P. |
| Childers, D. | Hair | Plante | Vogt |
| Deeb | Holloway | Poston | Ware |
| Dunn | Lane, D. | Renick | Winn |
| Firestone | Lane, J. | Scarborough | Zinkil |
| Gallen | MacKay | Spicola | |
| Gordon | McClain | Thomas, J. | |

Nays—10

| | | | |
|-----------------|----------|-------------|-------|
| Mr. President | Johnston | Sims | Trask |
| Childers, W. D. | Lewis | Stolzenburg | |
| Henderson | Saunders | Tobiassen | |

HJR 1779 as amended was read the third time in full as follows:

HJR 1779—A joint resolution proposing an amendment to Article VII of the State Constitution to provide a new Section 16 relating to bonds for housing and related facilities.

Be It Resolved by the Legislature of the State of Florida:

That the following addition of Section 16 to Article VII of the Constitution of the State of Florida, as an amendment to such article, is hereby agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November, 1976; said Section 16 to be effective immediately upon ratification by the electors:

SECTION 16. Bonds for housing and related community development facilities.—

(a) When authorized by law, revenue bonds may be issued without an election to finance or refinance housing and related facilities in Florida (herein referred to as "facilities").

(b) The bonds shall be secured by a pledge of and shall be payable primarily from all or any part of revenues to be derived from the financing, operation or sale of such facilities, mortgage or loan payments, and any other revenues or assets that may be legally available for such purposes derived from sources other than ad valorem taxation, including revenues from other facilities, or any combination thereof (herein collectively referred to as "pledged revenues").

(c) No bonds shall be issued unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the same pledged revenues exceed the pledged revenues available for payment of such debt service requirements, as defined by law.

(d) The total bonds outstanding shall not exceed \$100,000,000 in any one fiscal year.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendment proposed herein shall appear on the ballot as follows:

Proposes an amendment to Article VII of the State Constitution to provide a new Section 16 which authorizes the issuance of revenue bonds to finance or refinance housing and related facilities in Florida, secured primarily by pledged revenues at least equal to the annual bond payments limiting the bonds which may be outstanding in any one fiscal year to \$100,000,000.

HJR 1779, as amended, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—28

| | | | |
|--------------|----------|-------------|------------|
| Brantley | Gordon | McClain | Spicola |
| Childers, D. | Graham | Myers | Thomas, J. |
| Deeb | Hair | Plante | Thomas, P. |
| Dunn | Holloway | Poston | Vogt |
| Firestone | Lane, D. | Renick | Ware |
| Gallen | Lane, J. | Saylor | Winn |
| Glisson | MacKay | Scarborough | Zinkil |

Nays—11

| | | | |
|-----------------|----------|-------------|--------|
| Mr. President | Johnston | Sims | Trask |
| Childers, W. D. | Lewis | Stolzenburg | Wilson |
| Henderson | Saunders | Tobiasen | |

On motion by Senator Dunn, the rules were waived and by two-thirds vote HB 2360 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar.

SB 142 was taken up and on motion by Senator Dunn—

HB 2360—A bill to be entitled An act relating to cruelty to animals; creating s. 828.122, Florida Statutes; providing definitions; making it unlawful for persons to keep, use, manage, receive money for or encourage the fighting or baiting of animals; providing an exception; providing a penalty; providing for seizure and disposition of animals which are used for fighting or baiting or are cruelly mistreated; creating s. 828.123, Florida Statutes; making it unlawful for persons to bet on or attend any fighting or baiting of animals; providing a penalty; providing that this act shall not be applicable to violations of the prohibition against conducting simulated bullfighting exhibitions; providing an effective date.

—a companion measure was substituted therefor and read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Short title.—This act shall be known and may be cited as "The Animal Fighting Act of 1976."

Section 2. Section 828.122, Florida Statutes, is created to read:

828.122 Fighting or baiting animals; penalties.—

(1) As used in s. 828.122:

(a) "Animal" means any bull, bear, or dog.

(b) "Baiting" shall mean to attack with violence, to provoke, or harass an animal with one or more animals, for the purpose

of training an animal for, or to cause an animal to engage in, fights with or among other animals.

(c) "Person" means every natural person, firm, copartnership, association or corporation.

(2) Any person who commits any of the following acts shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, or by a fine not less than \$1,000 and not more than \$5,000, or both.

(a) Baiting, or using any animal for the purpose of fighting or baiting any other animal; or

(b) Knowingly owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal; or

(c) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals.

(3) Any person who willfully commits any of the following acts shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, or by a fine not less than \$500 and not more than \$1,000, or both.

(a) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or

(b) Attending the fighting or baiting of animals.

(4) Whenever an indictment is returned or an information is filed charging a violation of s. 828.12 or of this section, and in the case of an information, a magistrate finds probable cause that a violation has occurred, the court shall order the animals seized and held until final disposition of the charges and shall provide for appropriate and humane care or disposition of the animals. This provision shall not be construed as a limitation on the power to seize animals as evidence at the time of arrest. If the animal is unable to survive humanely the final disposition of the charges, the court may order termination of the animal's life. Upon conviction of the persons charged, the animals involved shall become the property of the state, and the court shall order a humane disposition of them.

(5) The provisions of subsection (2) and paragraph (b) of subsection (3) shall not apply to:

(a) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided s. 828.12 is not violated.

(b) Any person using animals to pursue or take wildlife or to participate in any hunting as regulated or subject to being regulated by the rules and regulations of the Game and Fresh Water Fish Commission.

(c) Any person using animals to work livestock for agricultural purposes.

(d) Any person using animals to train greyhounds for legalized racing if not otherwise prohibited by law.

(e) Any person violating s. 828.121.

(f) Any person using animals to hunt wild hogs or to retrieve domestic hogs.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 4. This act shall take effect immediately upon becoming a law.

Amendment 2—On page 1 in title, strike everything on lines 5 through 19 and insert a short title; creating section 828.122, Florida Statutes; providing definitions; making it unlawful for persons to use animals for fighting or baiting, to own or manage any facility used for the purpose of animal fighting or baiting, to promote any animal fighting or baiting; making it unlawful to bet on or attend any animal fighting or baiting; providing penalties; providing for seizure and disposition of the animals; providing exceptions; providing severability; providing an effective date.

On motion by Senator Vogt, by two-thirds vote HB 2360 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|-----------|-------------|-----------|
| Mr. President | Hair | Plante | Tobiassen |
| Brantley | Henderson | Poston | Trask |
| Childers, D. | Holloway | Renick | Vogt |
| Childers, W. D. | Johnston | Saunders | Ware |
| Deeb | Lane, D. | Scarborough | Wilson |
| Dunn | Lane, J. | Sims | Winn |
| Firestone | Lewis | Spicola | Zinkil |
| Gallen | MacKay | Stolzenburg | |
| Glisson | McClain | Thomas, J. | |
| Graham | Myers | Thomas, P. | |

Nays—None

SB 142 was laid on the table.

SB 467—A bill to be entitled An act relating to district school board tax levies; amending s. 236.25(1), Florida Statutes; clarifying language; deleting provision relating to millage voted under State Constitution; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote SB 467 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

| | | | |
|-----------------|-----------|-------------|-------------|
| Mr. President | Hair | Myers | Stolzenburg |
| Brantley | Henderson | Poston | Thomas, J. |
| Childers, D. | Holloway | Renick | Thomas, P. |
| Childers, W. D. | Lane, D. | Saunders | Tobiassen |
| Deeb | Lane, J. | Sayler | Trask |
| Firestone | Lewis | Scarborough | Winn |
| Gallen | MacKay | Sims | Zinkil |
| Graham | McClain | Spicola | |

Nays—3

| | | |
|----------|--------|------|
| Johnston | Plante | Ware |
|----------|--------|------|

Vote after roll call:

Yea—Vogt

Consideration of SB 1249 was deferred.

HB 3242—A bill to be entitled An act relating to the legislative staff internship program; amending s. 11.30, Florida Statutes, providing for supervision and coordination of the program as it affects each house of the Legislature by the house which is so affected; creating sponsoring committees in the House of Representatives and in the Senate; providing for membership, terms, and organization of such sponsoring committees; changing eligibility requirements with respect to co-operating universities; providing for selection and duties of program administrators; providing for receipt of private grants; providing for program expenses; requiring certain reports; providing for other matters relative to the foregoing; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3242 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Hair | Myers | Thomas, P. |
| Brantley | Henderson | Plante | Trask |
| Childers, D. | Holloway | Poston | Vogt |
| Childers, W. D. | Johnston | Renick | Ware |
| Deeb | Lane, J. | Sayler | Winn |
| Firestone | Lewis | Scarborough | Zinkil |
| Glisson | MacKay | Spicola | |
| Graham | McClain | Thomas, J. | |

Nays—None

Vote after roll call:

Yea—Tobiassen

SB 959—A bill to be entitled An act to provide an emergency appropriation to the Department of General Services to cover a projected deficit in the Supervision Trust Fund; providing legislative intent; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote SB 959 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Graham | McClain | Thomas, P. |
| Brantley | Hair | Myers | Tobiassen |
| Childers, D. | Henderson | Plante | Trask |
| Childers, W. D. | Holloway | Poston | Vogt |
| Deeb | Johnston | Renick | Ware |
| Dunn | Lane, D. | Sayler | Winn |
| Firestone | Lane, J. | Scarborough | Zinkil |
| Gallen | Lewis | Spicola | |
| Glisson | MacKay | Thomas, J. | |

Nays—None

SB 1428—A bill to be entitled An act relating to district school boards; providing for the nonpartisan election of district school board members; providing procedures for such nonpartisan elections; providing that the electors of a school district must approve, in a referendum, the provisions of this act before it can be implemented in a district; providing for adoption by districts already having nonpartisan elections and validation of such elections; providing an effective date.

—was read the second time by title.

Senator Ware presiding

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator Gallen and adopted:

Amendment 1—On page 2, lines 27 & 28, strike "at a time chosen by such school board" and insert: at the general election

Senators Sayler and Deeb offered the following amendment which was moved by Senator Sayler and failed:

Amendment 2—On page 2, line 25, after "its" insert: prior approval by the legislature and then

The vote was:

Yeas—9

| | | | |
|-----------|---------|-------------|------|
| Deeb | Plante | Stolzenburg | Ware |
| Henderson | Sayler | Thomas, P. | |
| Lane, D. | Spicola | | |

Nays—25

| | | | |
|-----------------|----------|-------------|--------|
| Brantley | Graham | Myers | Trask |
| Childers, D. | Hair | Poston | Vogt |
| Childers, W. D. | Holloway | Renick | Winn |
| Dunn | Johnston | Saunders | Zinkil |
| Firestone | Lane, J. | Scarborough | |
| Gallen | Lewis | Thomas, J. | |
| Glisson | McClain | Tobiassen | |

Vote after roll call:

Yea to nay—Spicola

Senators Sayler and Deeb offered the following amendment which was moved by Senator Sayler and adopted:

Amendment 3—On page 2, line 28, after the period, insert: The cost of such election shall be borne by the school board

On motion by Senator Barron the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2903 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Rish and Hutto—

HB 2903—A bill to be entitled An act relating to investigative agencies; amending s. 493.03 and adding subsection (3) to s. 493.04, Florida Statutes, exempting certified police officers, part-time police officers, or auxiliary police officers or auxiliary deputy sheriffs from being licensed by the Department of State; adding subsection (3) to s. 493.28, Florida Statutes, exempting such officers and deputy sheriffs from provisions which restrict persons licensed by the department from implying an association with the government; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

On motion by Senator Barron, by two-thirds vote HB 2903 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar.

On motions by Senator Barron, by unanimous consent HB 2903 was taken up out of order, and by two-thirds vote was read the second time by title.

Senator Scarborough moved the following amendment which was adopted:

Amendment 1—On pages 3 and 4, lines 13-17 on page 3, and on page 4 lines 24-28 strike the words appearing on said pages and insert: *The provisions of this section shall not apply to any full-time police officer, full-time deputy sheriff, part-time police officer, part-time deputy sheriff, auxiliary police officer, auxiliary deputy sheriff who are duly certified by the police standards and training commission when they are performing duties approved by their superiors*

On motion by Senator Barron, by two-thirds vote HB 2903 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Hair | Plante | Thomas, P. |
| Brantley | Henderson | Poston | Tobiassen |
| Childers, D. | Holloway | Renick | Trask |
| Childers, W. D. | Johnston | Saunders | Vogt |
| Deeb | Lane, D. | Sayler | Ware |
| Dunn | Lane, J. | Scarborough | Winn |
| Firestone | Lewis | Sims | Zinkil |
| Gallen | MacKay | Spicola | |
| Glisson | McClain | Stolzenburg | |
| Graham | Myers | Thomas, J. | |

Nays—None

On motion by Senator Scarborough, the Senate reconsidered the vote by which HB 2903 as amended passed.

Senator Scarborough moved the following title amendment which was adopted:

Amendment 2—On page 1, lines 7-8, strike all of lines 7 and 8 and insert: full time police officers and deputy sheriffs, part-time police officers and deputy sheriffs, auxiliary police officers and

On motion by Senator Scarborough, HB 2903 as further amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|-------------|
| Mr. President | Graham | McClain | Stolzenburg |
| Brantley | Hair | Plante | Thomas, J. |
| Childers, D. | Henderson | Poston | Thomas, P. |
| Childers, W. D. | Holloway | Renick | Tobiassen |
| Deeb | Johnston | Saunders | Trask |
| Dunn | Lane, D. | Sayler | Vogt |
| Firestone | Lane, J. | Scarborough | Ware |
| Gallen | Lewis | Sims | Winn |
| Glisson | MacKay | Spicola | Zinkil |

Nays—None

Senator Plante moved that the rules be waived and the Senate revert to the order of Reports of Committees and take up the report of the Select Committee on Executive Suspensions and the motion failed. The vote was:

Yeas—12

| | | | |
|-----------|----------|-------------|-------|
| Deeb | Lane, D. | Sims | Trask |
| Henderson | Plante | Stolzenburg | Vogt |
| Holloway | Sayler | Thomas, P. | Ware |

Nays—21

| | | | |
|-----------------|----------|-------------|------------|
| Barron | Gallen | MacKay | Thomas, J. |
| Brantley | Graham | McClain | Winn |
| Childers, D. | Hair | Poston | Zinkil |
| Childers, W. D. | Johnston | Renick | |
| Dunn | Lane, J. | Saunders | |
| Firestone | Lewis | Scarborough | |

Senator Brantley moved that the rules be waived and time of adjournment be extended until final action on SB 1428 and reading of House Messages containing HB 4092 and local bills. The motion was adopted by the following vote:

Yeas—29

| | | | |
|-----------------|-----------|-------------|------------|
| Barron | Graham | Myers | Thomas, P. |
| Brantley | Hair | Poston | Tobiassen |
| Childers, D. | Henderson | Renick | Trask |
| Childers, W. D. | Johnston | Saunders | Winn |
| Dunn | Lane, J. | Scarborough | Zinkil |
| Firestone | Lewis | Sims | |
| Gallen | MacKay | Spicola | |
| Glisson | McClain | Thomas, J. | |

Nays—8

| | | | |
|----------|----------|-------------|------|
| Deeb | Lane, D. | Sayler | Vogt |
| Holloway | Plante | Stolzenburg | Ware |

Special Order, continued

The Senate resumed consideration of—

SB 1428—A bill to be entitled An act relating to district school boards; providing for the nonpartisan election of district school board members; providing procedures for such nonpartisan elections; providing that the electors of a school district must approve, in a referendum, the provisions of this act before it can be implemented in a district; providing for adoption by districts already having nonpartisan elections and validation of such elections; providing an effective date.

Senators Sayler, Ware, and Deeb offered the following amendment which was moved by Senator Sayler and failed:

Amendment 4—On page 2, line 28, after the period, insert: The question, "Shall _____ county school board members be elected as nonpartisan candidates?", shall be the only question or issue on the ballot.

Senator Saunders moved that the rules be waived and SB 1428 as amended be read the third time by title and the motion was adopted by two-thirds vote. The vote was:

Yeas—25

| | | | |
|-----------------|----------|-------------|----------|
| Brantley | Graham | Myers | Tobiasen |
| Childers, D. | Hair | Poston | Trask |
| Childers, W. D. | Holloway | Renick | Winn |
| Dunn | Johnston | Saunders | Zinkil |
| Firestone | Lane, J. | Scarborough | |
| Gallen | Lewis | Spicola | |
| Glisson | McClain | Thomas, J. | |

Nays—10

| | | | |
|-----------|--------|-------------|------|
| Deeb | Plante | Stolzenburg | Ware |
| Henderson | Saylor | Thomas, P. | |
| Lane, D. | Sims | Vogt | |

SB 1428 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25

| | | | |
|-----------------|----------|-------------|----------|
| Barron | Glisson | McClain | Tobiasen |
| Brantley | Graham | Myers | Trask |
| Childers, D. | Hair | Renick | Winn |
| Childers, W. D. | Holloway | Saunders | Zinkil |
| Dunn | Johnston | Scarborough | |
| Firestone | Lane, J. | Spicola | |
| Gallen | Lewis | Thomas, J. | |

Nays—10

| | | | |
|-----------|--------|-------------|------|
| Deeb | Plante | Stolzenburg | Ware |
| Henderson | Saylor | Thomas, P. | |
| Lane, D. | Sims | Vogt | |

On motion by Senator Brantley, the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 286.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed by the required constitutional three-fifths vote of the membership of the House SJR 266.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 1386.

The bills contained in the foregoing messages were ordered enrolled.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to HB 2338, HB 3243, HB 2814, HB 2970, HB 1954, HB 2102 and HB 4055 and passed as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 4092 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HB 4092—A bill to be entitled An act relating to corporations; amending ss. 48.091, 607.011(2)(n), 607.021, and 607.027-1), Florida Statutes; adding subsections (3)-(6) to s. 607.034, Florida Statutes; amending ss. 607.054(6), 607.157(4), 607.161, 607.224(3), 607.234(1)(b), 607.251(2)(a), 607.264(1), 607.267(1) and 607.284, Florida Statutes; adding subsection (4) to s. 607-301, Florida Statutes; and amending ss. 607.314, 607.337(2), 607.354(2), 607.357(1), 607.361(4), and (5), and 607.371, Florida Statutes; providing for designation of registered agent and office for service of process; providing for examination of corporate books and records under certain circumstances; providing penalty for failure to comply; clarifying provisions relating to corporate powers, defense of ultra vires, and revocation of voluntary dissolution proceedings; authorizing renewal of name reservation; eliminating the prohibition on receiving promissory notes as consideration for shares; eliminating the requirement of filing duplicate articles of incorporation or dissolution with the Department of State; providing that the filing of articles of merger or consolidation in the county be permissive rather than mandatory; deleting certain filing requirements with respect to merger or consolidation of domestic and foreign corporations; providing that liquidation proceedings do not affect enforceability of a recorded mortgage, lien, or the perfected security interest of persons in possession of property; providing that after dissolution a majority of the surviving trustees of the corporation may act as the board of trustees; providing procedures relating to change of name by foreign corporations; providing that failure of a foreign corporation to obtain authority to transact business does not impair the validity of deeds, mortgages, security interests or liens; requiring the names and mailing addresses of directors to be in the annual report; providing for fees; granting the Department of State authority to make rules; amending s. 15.09 (1)(a), Florida Statutes, to provide that no fee shall be charged for certain information requests relating to general corporate information; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3277 and HB 3920 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Healey and others—

HB 3277—A bill to be entitled An act relating to the Fire Control Tax Districts in Palm Beach County; amending section 6 of chapter 63-1747, Laws of Florida, as amended; deleting the requirement that the tax to be levied within said Fire Control Tax Districts shall not exceed 2 mills on real and personal property; providing that a millage shall be levied which is authorized by law and approved by the vote of electors who are residents in each district; providing that the fire control tax districts shall be exempt from the county's tax roll; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Hagler and others—

HB 3920—A bill to be entitled An act relating to Escambia County; amending chapter 74-480, Laws of Florida, as amended, relating to a merit system of personnel administration for the civil service of the county; amending section 3.2(g) by adding and including in the unclassified service all department heads employed by the Board of County Commissioners of Escambia County; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed—

| | | |
|----------------|----------------|----------------|
| HB 4223 | HB 4226 | CS for HB 3912 |
| CS for HB 3911 | CS for HB 3910 | CS for HB 3909 |
| HB 3964 | HB 3925 | HB 3275 |
| HB 4211 | HB 4138 | CS for HB 3929 |
| CS for HB 3908 | CS for HB 3926 | CS for HB 3965 |
| CS for HB 3930 | CS for HB 3783 | |

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Neal—

HB 4223—A bill to be entitled An act relating to Manatee County; amending sections 3, 4, 5, and 15(d) of chapter 69-1287, Laws of Florida, as amended; providing annual elections for members of the board of trustees of Trailer Estates Park and Recreation District; providing staggered terms of 2 years; requiring petition to have name placed on ballot for election as trustee to be signed by the candidate and notarized; expressing the limitation on the aggregate amount of obligations of Trailer Estates Park and Recreation District in terms of a fiscal year rather than calendar year; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Neal—

HB 4226—A bill to be entitled An act relating to Manatee County; amending s. 6 of chapter 67-1671, Laws of Florida, as amended; authorizing the board of county commissioners to supplement the pay of the pollution control director of Manatee County; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Mann and others—

CS for HB 3912—A bill to be entitled An act relating to Lee County; providing definitions; creating the South Trail Fire Protection and Rescue Service District; prohibiting municipal and other fire control districts from annexing any land in the district; creating the board of commissioners of the district; providing for their election, terms, and compensation; requiring bonds; empowering the board to levy ad valorem taxes to a specified limit; providing a procedure for complaints of assessments; requiring the property appraiser to provide the board with certain information relating to assessments; reimbursing the county property appraiser and tax collector for their assistance; providing that district assessments constitute a lien on property; providing for the deposit of proceeds of assessments; empowering the board to borrow money to a certain limitation, to issue revenue anticipation certificates, and to pledge such liens and certificate revenue to pay the certificates; exempting the board from liability for repayment of loans; restricting the use of funds of the district; authorizing the board to acquire, lease, or maintain a fire department; providing for rules and an annual report; empowering the board to enact a referendum on whether to dissolve the district; dissolving the South Trail Fire and Rescue District and providing for the transfer of assets and debts; providing for referendums; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Mann and others—

CS for HB 3911—A bill to be entitled An act relating to Lee County; providing definitions; creating the San Carlos Park Fire Protection and Rescue Service District; prohibiting municipal and other fire control districts from annexing any land in the district; creating the board of commissioners of the district; providing for their election, terms, and compensation; requiring bonds; empowering the board to levy ad valorem taxes to a specified limit; providing a procedure for complaints of assessments; requiring the property appraiser to provide the board with certain information relating to assessments; reimbursing the county property appraiser and tax collector for their assistance; providing that district assessments constitute a lien on property; providing for the deposit of proceeds of assessments; empowering the board to borrow money to a certain limitation, to issue revenue anticipation certificates, and to pledge such liens and certificate revenue to pay the certificates; exempting the board from liability for repayment of loans; restricting the use of funds of the district; authorizing the board to acquire, lease, or maintain a fire department; providing for rules and an annual report; empowering the board to enact a fire prevention code; requiring a referendum on whether to dissolve the district; providing for referendums; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Mann and others—

CS for HB 3910—A bill to be entitled An act relating to Lee County; providing definitions; creating the Tice Fire Protection and Rescue Service District; prohibiting municipal and other fire control districts from annexing any land in the district; creating the board of commissioners of the district; providing for their election, terms, and compensation; requiring bonds; empowering the board to levy ad valorem taxes to a specified limit; providing a procedure for complaints of assessments; requiring the property appraiser to provide the board with certain information relating to assessments; reimbursing the county property appraiser and tax collector for their assistance; providing that district assessments constitute a lien on property; providing for the deposit of proceeds of assessments; empowering the board to borrow money to a certain limitation, to issue revenue anticipation certificates, and to pledge such liens and certificate revenue to pay the certificates; exempting the board from liability for repayment of loans; restricting the use of funds of the district; authorizing the board to acquire, lease, or maintain a fire department; providing for rules and an annual report; empowering the board to enact a fire prevention code; requiring a referendum on whether to dissolve the district; providing for referendums; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Mann and others—

CS for HB 3909—A bill to be entitled An act relating to Lee County; providing definitions; creating the Fort Myers Shores Fire Protection and Rescue Service District; prohibiting municipal and other fire control districts from annexing any land in the district; creating the board of commissioners of the district; providing for their election, terms, and compensation; requiring bonds; empowering the board to levy ad valorem taxes to a specified limit; providing a procedure for complaints of assessments; requiring the property appraiser to provide the board with certain information relating to assessments; reimbursing the county property appraiser and tax collector for their assistance; providing that district assessments constitute a lien on property; providing for the deposit of proceeds of assessments; empowering the board to borrow money to a certain limitation, to issue revenue anticipation certificates, and to pledge such liens and certificate revenue to pay the certificates.

cates; exempting the board from liability for repayment of loans; restricting the use of funds of the district; authorizing the board to acquire, lease, or maintain a fire department; providing for rules and an annual report; empowering the board to enact a fire prevention code; requiring a referendum on whether to dissolve the district; providing for referendums; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Hagler and others—

HB 3964—A bill to be entitled An act relating to Escambia County; providing for the relief of Lillie Adams Miller for the death of her husband, Len Burton Adams, while acting in the performance of his duties as a deputy sheriff of Escambia County; authorizing and empowering the Board of County Commissioners of Escambia County to pay to Lillie Adams Miller a sum not to exceed \$20,000 out of the general fund of said county; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Hagler and others—

HB 3925—A bill to be entitled An act relating to Escambia County; providing for the relief of Daisy Grimes Huggins for fire damages incurred to her property emanating from a county source; authorizing and empowering the board of county commissioners to investigate said claim; authorizing and empowering the board to settle same by payment out of the county general fund in such amount as it may determine, not to exceed \$4,000.00; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Hazelton and others—

HB 3275—A bill to be entitled An act relating to Palm Beach County; relating to the Palm Beach County Free Public Library Special Taxing District; amending section 1 of chapter 67-1869, Laws of Florida, to clarify intent to create a special taxing district and to state its relation to the Florida Administrative Procedure Act, chapter 120, Florida Statutes; amending section 4(1) thereof, to clarify reference to advisory library board; amending section 7 thereof, to clarify means by which the commission may provide for contractual library services; amending section 8 thereof, to vest title of library in the special taxing district; amending section 9 thereof, to authorize the commission to receive gifts on behalf of the special taxing district; amending section 10 thereof, to clarify means by which contractual library services may be provided and to authorize levy of taxes, charges, or assessments in a municipal purpose unit for library services in lieu of taxation pursuant to this act; amending section 11(1) and (2) thereof, to include reference to the special taxing district; and to include reference to the commission; repealing section 2(4) thereof, relating to the definition of "minimum library service"; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Rish—

HB 4211—A bill to be entitled An act relating to Liberty County; repealing chapter 30946, Laws of Florida, 1955, as amended, to abolish the Liberty County Port Authority; transferring property of the authority to the Liberty County Board of County Commissioners; providing for the distribution of certain racetrack funds; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative G. C. Robinson and others—

HB 4138—A bill to be entitled An act relating to Escambia County; repealing chapter 73-461, Laws of Florida, relating to the creation of a water and sewer advisory board and other matters relevant thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Hagler and others—

CS for HB 3965—A bill to be entitled An act relating to Escambia County, Florida; recodifying and amending Chapter 75-369, Laws of Florida, providing for a system of personnel administration for classified employees of the County of Escambia including noninstructional employees of the District School Board; defining purpose of act, composition of Board; authorizing a staff; identifying classified and unclassified service; defining duties of the board, status of present and future employees; providing for a classification plan; authorizing unlimited number of positions; providing for various leaves and holidays; setting standards for personnel selection; ensuring employees the right to participate in activities of employee organizations; outlining the appointment process; permitting transfers; providing for suspensions and dismissals for cause, investigations and hearings; mandating certain prohibitions; authorizing a pay plan; providing a penalty for violations; requiring reports of personnel actions, annual reports and inspection of public records of the board; requiring the Board of County Commissioners to fund system and provide facilities; limiting political activities on the part of employees; defining certain terms; providing severance and savings clause; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Mann and others—

CS for HB 3908—A bill to be entitled An act relating to Lee County; providing definitions; creating the Estero Fire Protection and Rescue Service District; prohibiting municipal and other fire control districts from annexing any land in the district; creating the board of commissioners of the district; providing for their election, terms, and compensation; requiring bonds; empowering the board to levy ad valorem taxes to a specified limit; providing a procedure for complaints of assessments; requiring the property appraiser to provide the board with certain information relating to assessments; reimbursing the county property appraiser and tax collector for their assistance; providing that district assessments constitute a lien on property; providing for the deposit of proceeds of assessments; empowering the board to borrow money to a certain limitation, to issue revenue anticipation certificates, and to pledge such liens and certificate revenue to pay the certificates; exempting the board from liability for repayment of loans; restricting the use of funds of the district; authorizing the board to acquire, lease, or maintain a fire department; providing for rules and an annual report; empowering the board to enact a fire prevention code; requiring a referendum on whether to dissolve the district; providing for referendums; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Mann and others—

CS for HB 3926—A bill to be entitled An act relating to Lee County; providing definitions; creating the Alva Fire Protection and Rescue Service District; prohibiting municipal and other fire control districts from annexing any land in the district; creating the board of commissioners of the district; providing for their election, terms, and compensation; requiring bonds; empowering the board to levy ad valorem taxes to a specified limit; providing a procedure for complaints of assessments; requiring the property appraiser to provide the board with certain information relating to assessments; reimbursing

the county property appraiser and tax collector for their assistance; providing that district assessments constitute a lien on property; providing for the deposit of proceeds of assessments; empowering the board to borrow money to a certain limitation, to issue revenue anticipation certificates, and to pledge such liens and certificate revenue to pay the certificates; exempting the board from liability for repayment of loans; restricting the use of funds of the district; authorizing the board to acquire, lease, or maintain a fire department; providing for rules and an annual report; empowering the board to enact a fire prevention code; requiring a referendum on whether to dissolve the district; providing for referendums; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Mann and others—

CS for HB 3929—A bill to be entitled An act relating to Lee County; providing definitions; creating the Bayshore Fire Protection and Rescue Service District; prohibiting municipal and other fire control districts from annexing any land in the district; creating the board of commissioners of the district; providing for their election, terms, and compensation; requiring bonds; empowering the board to levy ad valorem taxes to a specified limit; providing a procedure for complaints of assessments; requiring the property appraiser to provide the board with certain information relating to assessments; reimbursing the county property appraiser and tax collector for their assistance; providing that district assessments constitute a lien on property; providing for the deposit of proceeds of assessments; empowering the board to borrow money to a certain limitation, to issue revenue anticipation certificates, and to pledge such liens and certificate revenue to pay the certificates; exempting the board from liability for repayment of loans; restricting the use of funds of the district; authorizing the board to acquire, lease, or maintain a fire department; providing for rules and an annual report; empowering the board to enact a fire prevention code; requiring a referendum on whether to dissolve the district; providing for referendums; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Hagler and others—

CS for HB 3930—A bill to be entitled An act relating to the Pensacola Civil Service System; amending chapter 63-1775, Laws of Florida, as amended, redefining "unclassified service"; providing that the Administrative Judge rather than the County Judge shall designate certain members of the board; giving the board the powers necessary to carry out administration of the civil service system; providing for election of board, terms of office, and notification of date of election; deleting Municipal Judge and Municipal Judge Pro-tem from unclassified service; providing for retention of status for probationary employees under certain circumstances; increasing the age of automatic membership in the city's pension system at the time of employment from 35 to 45 years; prohibiting discrimination in recruitment, employment, training, promotion, etc; deleting reference to the municipal judge in compensation of officers and employees; providing for certification of payroll and efficiency standards; providing procedure and time allowed for adoption of rules of the board; provides the right to the executive committee to solicit funds; providing for termination of persons committing certain acts regarding false statements and gifts; providing that the board shall be responsible for examining applicants for employment or promotion; providing procedure for filling vacant positions; deleting certain provisions relating to entrance examination requirements; decreasing period for which entrance eligible lists shall stand from 2 years to 1 year; requiring that requests for hearing on demotions shall be in writing; providing that persons demoted may return to the position occupied prior to demotion under certain circumstances; providing that persons resigning to seek public office may make written application to the board to have his name placed at the top of the preferred eligible list; specifying which time periods relating to disciplinary action, charges preferred or confirmed, and hearings shall be either in calendar days or workdays; providing that requests for list of witnesses shall be by the accused employee or his attorney; providing that hearings shall be reported

in writing if demanded by the accused employee or City Manager; providing for prompt hearings and extension of hearing date; providing that persons charged with a crime in the County or Circuit Court shall waive right to compensation under certain circumstances; providing that requests for rehearing shall be answered within 30 rather than 15 calendar days; providing for mandatory disability retirement and determination of disability; repealing laws in conflict with this act; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representative Kiser and others—

CS for HB 3783—A bill to be entitled An act relating to Pinellas County; providing that each special act relating exclusively to the Town of Belleair, the City of Dunedin, the City of Gulfport, the Town of Indian Shores, the City of Seminole, or the City of South Pasadena shall become an ordinance of the municipality to which such act relates; providing certain exceptions; repealing chapter 4658, Laws of Florida, 1897, relating to the Town of Clear Water Harbor; repealing chapter 5102, Laws of Florida, 1901, which authorizes the City of Clearwater to issue bonds for the purchase of a school; repealing chapter 6046, Laws of Florida, 1909, repealing charter; repealing chapter 6674, Laws of Florida, 1913, relating to the 1909 charter of the City of Clearwater; repealing chapter 7137, Laws of Florida, 1915, relating to the incorporation of the Town of Clearwater; repealing chapter 8167, Laws of Florida, 1919, relating to tick eradication; repealing chapter 8924, Laws of Florida, 1921, relating to the City of Clearwater; repealing chapter 17645, Laws of Florida, 1935, and all other laws pertaining to the Gulf Beach Sanitary District; repealing chapter 20068, Laws of Florida, 1939, relating to the creation of the Pinellas County Port Authority; repealing chapter 20120, Laws of Florida, 1939, and all other laws relating to the St. Petersburg Port Authority; repealing chapter 21560, Laws of Florida, 1941, relating to the creation of an auditorium authority for the City of St. Petersburg; repealing chapter 24823, Laws of Florida, 1947, which creates the Belleair Beach Improvement District; repealing chapter 24825, Laws of Florida, 1947, which creates the Gulf Beach Erosion Control District; repealing chapter 29435, Laws of Florida, 1953, chapter 31173, Laws of Florida, 1955, and chapter 61-1169, Laws of Florida, relating to the Pinellas County Light Industry Council; repealing chapter 30488, Laws of Florida, 1955, relating to the supervisor of registration; repealing chapter 70-898, Laws of Florida, relating to distribution of library funds; repealing chapter 70-524, Laws of Florida, relating to the Tampa Bay Conservation and Development Study Commission; repealing chapter 72-276, Laws of Florida, and chapter 74-581, Laws of Florida, relating to tax reimbursement to the Pinellas County Science Center and the Upper Pinellas Association of Retarded Children, respectively; repealing chapter 73-596, Laws of Florida, which creates the Pinellas County Citizens' Study Commission on Education; repealing chapter 74-582, Laws of Florida, which creates the Pinellas County Library Task Force; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3667 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Bloom and Hill—

HB 3667—A bill to be entitled An act relating to education; amending s. 228.091, Florida Statutes; providing a penalty for the trespass by certain persons upon the grounds or facilities of educational institutions; increasing the penalty for the failure of such persons to leave after being ordered to do so; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 740 (cs) and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education and Representative Bloom—

HB 740(cs)—A bill to be entitled An act relating to schools; amending s. 234.03, Florida Statutes, to require liability insurance or other means of compensation for bodily injury or death or property damage on school buses and other motor vehicles, to set limits of coverage, and to require reports of accidents; providing exemption for private schools; amending s. 768.28(2), Florida Statutes, to clarify legislative intent by including school boards in the waiver of sovereign immunity in tort actions; providing applicability; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3123 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Bloom—

HB 3123—A bill to be entitled An act relating to the district school system; amending s. 230.23(5)(d), Florida Statutes, authorizing district school boards to pay instructors and other employees retroactively under certain circumstances; amending s. 215.425, Florida Statutes, exempting such authority from

provisions which prohibit the payment of extra compensation out of the State Treasury after service has been rendered; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

On motion by Senator Firestone, the rules were waived and by two-thirds vote HCR 3973 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator W. D. Childers, by two-thirds vote HB 4092 was withdrawn from the Committee on Commerce.

On motions by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 589 and HB 1773 were withdrawn from the Committee on Commerce.

On motion by Senator Gallen, by two-thirds vote HB 3996 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Poston, the rules were waived and by two-thirds vote HB 2947 was withdrawn from the Committee on Transportation.

CO-INTRODUCERS

Senator Hair—SB 328 and CS for Senate Bills 297 and 641;
Senator Trask—SB 1346.

The Journal of June 1 was corrected and approved.

The Senate adjourned at 6:08 p.m. to reconvene at 9:00 a.m., June 3.